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United States Department of Agriculture
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE ~~FOOD AND DRUGS ACT~~

[Given pursuant to section 4 of the food and drugs act]

22001-22025

[Approved by the Acting Secretary of Agriculture, Washington, D.C., August 31, 1934]

22001. Misbranding of Sal-Tonik. U. S. v. Thirty-two 50-Pound Blocks of Sal-Tonik, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 23216 to 23219 incl. I.S. nos. 014127 to 014130 incl. Sample nos. 1221 to 1324, incl.)

This case involved various shipments of Sal-Tonik, the labels of which contained unwarranted curative and therapeutic claims.

On December 6, 1928, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of one hundred and twenty-three 50-pound blocks of Sal-Tonik, in various lots at Tripp, Fedora, Parkston, and Kaylor, S.Dak., respectively, alleging that the article had been shipped in interstate commerce between the dates of April 7 and June 30, 1928, by the Guarantee Veterinary Co., from Sioux City, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended. The labels of the article bore the same curative and therapeutic claims as the labels of the product covered by Notice of Judgment no. 16793.

Analysis of a sample of the article by this Department showed that it consisted essentially of 87.8 percent of sodium chloride, 4.2 percent calcium carbonate, and small proportions of sulphur, paraffin, an iron compound, and sulphates.

It was alleged in the libels that the article was misbranded in that certain statements regarding its curative and therapeutic effects, appearing on the labels, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 27, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22002. Adulteration and misbranding of Zepyrol. U. S. v. 44 Packages and 22 Packages of Zepyrol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31559. Sample nos. 56258-A, 56259-A.)

Examination of the drug product, Zepyrol, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Tests of the article also showed that it was not an antiseptic and germicide, as claimed.

On November 15, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of forty-four 14-ounce packages and twenty-two 6-ounce packages of Zepyrol at Dallas, Tex., alleging that the article had been shipped in interstate commerce in part on or about June 8, 1933, from Chula Vista, Calif., and in part on or about October 9, 1933, from Los Angeles, Calif., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Zepyrol * * * Stearns-Hollinshead Co. Inc. Portland, Oregon."

Analysis of a sample of the article by this Department showed that it consisted of small proportions of zinc chloride, sodium chloride, glycerin, saccharin, alcohol (2.5 percent by volume), and water flavored with aromatics and colored with a red dye.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic * * * Germicide."

Misbranding was alleged for the reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Front of bottle label, 6-oz. size) "Healing * * * A Germicide For The Mouth, Teeth, Throat and Skin * * * An Aid To Prevent & Relieve Pyorrhoea and Germ Diseases"; (back of bottle label, 6-oz. size) "Healing * * * In Keeping Teeth and Gums Healthy use ZePyrol * * * In Preventing Sore Throat, Tonsillitis, Influenza, etc., gargle with ZePyrol full strength or diluted. For serious cases see a competent physician. * * * In Relieving Catarrh * * * Skin * * * Eruptions"; (carton, 6-oz. size) "Healing * * * An Aid to Prevent & Relieve Pyorrhoea and Germ Diseases * * * Prevent Tonsil Infection from Coughs—Colds * * * Please Help Keep Your Health A man suffered for years from acute rheumatism. He went from one doctor to another without relief. Finally he went to his dentist one day to have his teeth fixed. A blind abscess was found which was opened and cured. Immediately his rheumatism disappeared. Another man had a supposed case of spine trouble. No doctor gave him relief until, finally, one physician suggested that he have his teeth examined. Pyorrhoea was discovered, cured and spinal trouble left him. In another case defective eyesight was found due to defective teeth. A man's throat trouble of years' standing was found to be caused by toxins in teeth. Evidently we do not give our teeth due credit for their importance in our general health. * * * Teeth—Loose sensitive teeth, bleeding gums. Pyorrhoea—(Rigg's Disease.) * * * Tonsils—Infection usually following lack of attention to the teeth as well as mouth and throat, Colds—Coughs. * * * Prevents infection, pimples, etc. * * * Nasal Passages—Influenza, coughs, colds, etc."; (front of bottle label, 14-oz. size) "Healing * * * A Germicide For The Mouth, Teeth, Throat And Skin * * * An Aid To Prevent & Relieve Pyorrhoea and Germ Diseases"; (back of bottle label, 14-oz. size) "Healing * * * To Aid In Preventing Pyorrhoea And In Keeping Teeth And Gums Healthy use ZePyrol * * * To Aid In Preventing Sore Throat, Tonsillitis, Influenza, etc., gargle with ZePyrol either full strength or diluted. For serious cases, see a competent physician. * * * in Relieving Catarrh * * * Skin * * * Eruptions * * *"; (carton, 14-oz. size) "Healing * * * An Aid To Prevent & Relieve Pyorrhoea and Germ Diseases * * * Gargle For Throat Infection * * * an aid in maintaining health. * * * leaves the tissues in a firm, clean, disease resisting condition. * * * as a gargle at first indications of sore throat or other infection. * * * keep the gums, teeth and tonsils free from infection. * * * To keep the tooth brush * * * aseptic. * * * As an aid in preventing sore throat, coughs, etc."

On January 8, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22003. Misbranding of Beatsol Earache Outfit. U. S. v. 86 Packages of Beatsol Earache Outfit. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31568. Sample no. 43987-A.)

Examination of the drug preparation, Beatsol Earache Outfit, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton, and in a circular and display carton accompanying the article.

On November 14, 1933, the United States attorney for the Northern District of New York acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 86 packages of Beatsol Earache Outfit at Binghamton, N.Y., alleging that the article had been shipped in interstate commerce on or about February 15, 1933, by the G. & W. Laboratories, Inc., from Jersey City, N.J., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of ether, camphor, eucalyptol, and alcohol.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Bottle) "Earache Liquid for Earache * * * Buzzing in the ear, etc. * * * Repeat every hour until relieved."; (carton) "Earache Outfit sure relief quickly * * * safe reliable and prompt * * * Earache * * * to be used for relieving pain, earaches, buzzing * * * in the Ear, etc. * * * Liquid"; (circular) "In emergencies when you are in pain and are suffering results are wanted you will get quick sure results * * * At night when you have a * * * Splitting Earache * * * That is the time when you want quick relief * * * Earache * * * Earache liquid * * * You will never know what it means to suffer with an awful earache when you use this remedy * * * Makes hearing easier"; (display carton) "Earache Outfit."

On December 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22004. Misbranding of Oyster-X-Tonic. U. S. v. 67 Bottles and 76 Bottles of Oyster-X-Tonic. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31561, 31562. Sample nos. 46880-A, 46881-A.)

This case involved a product labeled to convey the impression that it was prepared largely from oysters and possessed certain tonic properties derived from oysters. Examination showed that the article contained an insignificant proportion, if any, of material derived from oysters; that the ingredients listed on the label were present, if at all, in insufficient amounts to be of any tonic value; and that it contained no medicinal substances capable of producing the curative and therapeutic effects claimed in the labeling. The article was also labeled to convey the misleading impression that it had been examined and approved by the Government.

On November 10, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 143 bottles of Oyster-X-Tonic at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 4 and October 16, 1933, by the Oyster-X Co. from Cleveland, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of tablets containing material derived from nux vomica, calcium, iron and aluminum compounds, traces of copper, iodine, manganese and phosphorus compounds, protein, and starch.

It was alleged in the libels that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Bottle label) "Oyster-X-Tonic—Directions: Tablets may be chewed or swallowed whole with half glass of water. Take as advised by physician or we suggest 2 tablets before each meal or 3 times during day. Take 2 more tablets at bedtime. If desired, increase bedtime dose to 3 tablets. We advise taking Oyster-X continuously for at least 3 weeks. Still better results obtained when continued 2 or 3 months. Read booklet in package. Oyster-X * * *"; (carton) "Oyster-X Tonic For Men and Women of all Ages Who Desire, in Easy-to-Take Form, the Vital Organic Elements Which Raw, Fresh Oysters Supply the Body in Need of Blood Regeneration. * * * Oyster-X * * * Oyster-X * * * Vital Elements of Raw, Fresh Oysters Valuable in Blood Regeneration. The Vital Organic Elements in Oysters * * * The Oysters Used in Oyster-X Are Selected * * * Oysters, Which Are Rich in These Vital Elements * * * Government Inspected Oysters * * * Oyster-X * * *"; (circular) "Oyster-X Tonic * * * vital elements of raw, fresh Oysters Concentrated * * * Best results are obtained when Oyster-X is taken over a period of time. Do not expect it to make you a new person overnight. You may experience its results very quickly as its vital elements are supplied your body from the very day you start to take Oyster-X. But continue to take it for at least 3 months. Oyster-X * * * Oysters are rich in Vital Elements needed for Blood Regeneration. Now combined in easy-to-take Oyster-X Tonic Tablets. Recent medical research shows that raw oysters are particularly rich in the vital

mineral elements (or mineral salts) necessary for blood regeneration, energy and vigor. Tonics containing iron were once advised for this condition. But the results of Iron alone were often disappointing. It was discovered that a certain proportion of Copper was needed in order to act with the Iron and cause the Iron to help in building up the red blood corpuscles. Further experience showed that the addition of Manganese aided still more in proper blood regeneration. These elements must be in a form which will easily be assimilated by the body—in organic form which we may term food Iron; food Copper; food Manganese. Oysters contain necessary elements. Now medical experiments show that the oyster is peculiarly rich in all three of these vital elements: the food form of Iron, Copper and Manganese, and that it contains, in addition, several other essentials which the body needs for health and vigor. So now raw oysters—or a preparation containing the elements of raw oysters—are advised for sufferers from anemia or those in need of rich, red blood and the vigor and health which follow such blood regeneration. Elements of raw oysters now available at all seasons. One would soon tire of a daily diet of raw oysters. Besides, at certain seasons raw oysters are not obtainable. The raw oyster is Nature's tonic. The raw oyster may be called Nature's own tonic. One writer calls it a 'veritable mine of mineral elements and a bottle of natural Iodine combined.' And Oyster-X Tonic Tablets, containing the vital elements of the raw oyster * * * without any change in efficiency * * * afford a convenient * * * way to take concentrated raw oysters several times a day, and in all seasons. Oyster-X * * * The vital organic elements in oysters * * * The oysters used in Oyster-X * * * rich in these vital materials. * * * government-inspected oysters. * * * Best results, of course, are obtained when Oyster-X is taken over a period of time. Do not expect it to make you a new man or a new woman overnight. You may experience its results very quickly. Naturally, its vital elements are supplied your body the very day you start to take it. But continue to take it for at least 3 months. * * * Weakness often due to lack of Iodine. Thus one may never show a visible sign of the Thyroid swelling known as Goitre and yet may suffer deterioration in this gland and in the entire glandular system and organs, simply because there is a lack of Iodine in the system. The oyster has long been known as an exceedingly rich source of Iodine, in a form easily assimilated by the system. In fact, oysters contain 200 times as much iodine as an equal quantity of steak, eggs or milk. Modern foods are often deficient in these vital necessities. A great physician * * * states that many of our modern troubles certainly are the result of eating foods that do not contain a sufficient supply of vital mineral elements. Another writer on health calls attention to the fact that thousands have died and countless other thousands are in weak or invalid condition because their systems lack a sufficient quantity of these ingredients in which raw oysters are known to be so exceedingly rich. Many victims of poor health and weakness are apt to ascribe their troubles to other causes, yet the true cause may be nothing but a deficiency of these vital elements. Prescriptions of physicians for those who are anemic, for those in need of blood regeneration, for those who lack strength and vigor, repeatedly call for the same ingredients found in raw oysters; Iron, Copper, Manganese, Calcium, Phosphorus and Iodine. If these minerals are in an inorganic form, some systems may not be able to assimilate them. But in raw oysters—or in dried raw oysters—these vital mineral elements are contained in a natural form which the body can assimilate. But it was found that if fresh, raw oysters are dried, powdered and formed into tablets the beneficial effects of the blood-regenerating ingredients are retained. As the bulk of the raw oyster is water, when moisture is removed the vital elements of the oyster can be compressed into very small tablets. Oyster-X Tonic Tablets, for instance, contain in concentrated form the very properties which make raw oysters so beneficial. * * * Other elements in oysters necessary for health and vigor. Besides the Iron, Copper and Manganese advised for blood regeneration in the treatment of anemia, raw oysters contain other organic minerals necessary to true health and vigor. These other elements are also needed by victims of anemia. They are advised also—in addition to the Iron, Copper and Manganese—for others whose health and vigor are impaired from other causes. These other vitally important ingredients found in raw oysters, in the food form which can be assimilated by the system, are Calcium, Phosphorus and Iodine. Calcium and Phosphorus are as necessary for the prolongation of life and good health as Iron, Copper and Manganese are necessary for rich, red, vigorous blood.

Iodine is used to treat and prevent simple Goitre. But even though one may not have goitre, a sufficient supply of Iodine is necessary for the health of the Thyroid Gland. And that means that a sufficient supply of Iodine must be present in the system for other glands to be vigorous too. For the entire glandular system is so closely connected that when the Thyroid Gland is diseased or weakened, the vigor and health of other glands may also be affected. * * * when you have taken Oyster-X for a few weeks, you will gladly favor us by telling your friends how much good it has accomplished. * * * Oyster-X."

Misbranding was alleged for the further reason that the design of an oyster on the carton and the statements, "Oyster-X * * * More Palatable to Many Than Raw, Fresh Oysters The Raw, Fresh Oysters Used in Preparing Oyster-X * * * Concentrated by a Scientific Process * * * Contains Iron, Phosphorus, Calcium, Manganese, Copper, Iodine", and, in the circular, "Contains Iron, Copper, Manganese, Calcium, Phosphorous, Iodine * * *", were false and misleading, since the ingredients named were present in therapeutically insignificant amounts.

Misbranding was alleged for the further reason that the statement, "Government Inspected", appearing on the carton and on the circular, was false and misleading, since it created the impression that the article had been examined and approved by the Government, whereas it had not.

On December 5, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22005. Misbranding of Mother Gray's Sweet Powders for Children. U. S. v. 286 Packages of Mother Gray's Sweet Powders for Children. Default decree of condemnation and destruction. (F. & D. no. 31555. Sample no. 40007-A.)

Examination of the drug preparation involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On November 8, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 286 packages of Mother Gray's Sweet Powders for Children at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about October 7, 1933, by A. S. Olmsted Co., from Le Roy, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of sulphur, sodium bicarbonate, licorice, starch, and sugar.

It was alleged in the libel that the article was misbranded in that the following statements, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Carton) "Act on the stomach, liver * * * in intestinal and stomach disturbances, the powders are most beneficial as they tend to cleanse the digestive system"; (envelop) "These Powders act on the stomach * * * and liver, they * * * tend to regulate the bowels, appetite and digestion are improved so that children frequently gain in flesh"; (leaflet) "Act on the Stomach, liver * * * If children are sick and ailing these powders will afford relief * * * many mothers give them to their children as a corrective medicine, use according to directions when your child is cross and complaining * * * In intestinal and stomach disturbances the powders are most beneficial as they tend to cleanse the digestive system [testimonial] * * * 'My little three year old girl who was very puny * * * Very satisfactory in every case'."

On December 29, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22006. Misbranding of I-den-tine Dental Cream. U. S. v. 153 Tubes of I-den-tine Dental Cream. Default decree of condemnation and forfeiture. Product ordered destroyed or delivered to public institutions. (F. & D. no. 31552. Sample no. 43994-A.)

This case involved a shipment of dental cream that was labeled to convey the impression that it contained substantial amounts of iodine and pepsin. Examination showed that the article contained but insignificant amounts of

iodine and pepsin and would not produce certain curative and therapeutic effects claimed in the labeling.

On November 8, 1933, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 153 tubes of I-den-tine Dental Cream at Binghamton, N.Y., alleging that the article had been shipped in interstate commerce on or about February 9, 1933, by the Trade Laboratories, Inc., Newark, N.J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "I-den-tine Dental Cream Reed Chemical Company, Newark, N.J."

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium sulphate, calcium phosphate, small proportions of glycerin and soap, traces of pepsin and an iodine compound, and water flavored with peppermint oil.

It was alleged in the libel that the article was misbranded in that the statements, "Compound Iodine and Pepsin", on the carton, and "Compound Iodine", on the tube, were false and misleading, since the article contained insignificant amounts of these ingredients. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton and tube) "Especially prepared for bleeding gums"; (tube) "Pyorrhea * * * makes the gums healthy and firm."

On December 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed, or in lieu of destruction that it be delivered to charitable institutions for use and not for sale.

M. L. WILSON, *Acting Secretary of Agriculture.*

22007. Adulteration and misbranding of Merritone Antiseptic Mouth Wash. U. S. v. 2 Gross Bottles of Merritone Antiseptic Mouth Wash. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31290. Sample no. 46543-A.)

Examination of the drug preparation involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Tests of the article further showed that it was not antiseptic as claimed.

On November 6, 1933, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two gross bottles of Merritone Antiseptic Mouth Wash at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about March 18, 1933, by the DeVore Manufacturing Co. from Columbus, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of formaldehyde, volatile oils including methyl salicylate and cassia oil, zinc chloride, alcohol (2.5 percent by volume), and water colored with cudbear.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, antiseptic mouth wash.

Misbranding was alleged for the reason that the statement on the label, "Antiseptic Mouth Wash", was false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: "Keeps the gums and tissue of the mouth healthy * * * Wounds And Sores * * * (If personal application of Merritone fails to relieve the condition consult your dentist or physician)."

On February 21, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22008. Adulteration and misbranding of sweet spirits of nitre. U. S. v. 135 Bottles and 94 Bottles of Sweet Spirits of Nitre. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31210. Sample nos. 46326-A, 46362-A, 46365-A.)

This case involved shipments of sweet spirits of nitre labeled, "U.S.P.", which was found to contain less ethyl nitrite than required by the United States Pharmacopoeia. Sample bottles taken from the shipments were found

to contain less than one half ounce and one ounce, respectively, the labeled volumes.

On October 9, 1933, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 135 bottles of sweet spirits of nitre at Shreveport, La. On December 5, 1933, an amended libel was filed to include 94 more bottles of the product, also at Shreveport, La. It was alleged in the libel as amended that the article had been shipped in interstate commerce in part on or about March 30, 1933, and in part on or about July 8, 1933, by the El-Dee Manufacturing Co., from Alton, Ill., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

Examination of samples of the article by this Department showed that the one half fluidounce size contained not more than 2.4 percent of ethyl nitrite and the net content was less than one half fluidounce, averaging 0.44 fluidounce. The 1-fluidounce size contained 0.5 percent of ethyl nitrite, and the net content was less than 1 fluidounce, averaging 0.86 fluidounce.

The libel charged that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated upon the label.

Misbranding was alleged for the reason that the statements, "Sweet Spirit Nitre U.S.P. * * * ½ Fld. Oz.", or "1 Fld. Oz.", were false and misleading, since the product was short volume and the two lots contained not more than 2.4 percent and 0.5 percent, respectively, of ethyl nitrite, whereas the United States Pharmacopoeia requirement for sweet spirits of nitre is 3.5 percent of ethyl nitrite.

On February 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22009. Misbranding of Force. U. S. v. 72 Bottles of Force. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31183. Sample no. 14106-A.)

Examination of the drug product, Force, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative or therapeutic effects claimed in the labeling.

On September 29, 1933, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 bottles of Force at San Antonio, Tex., alleging that the article had been shipped in interstate commerce on or about July 17, 1933, by the Union Pharmacal Co., from Kansas City, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs, including a laxative drug, phenolphthalein (17 milligrams per 100 milliliters), phosphoric acid (0.47 gram per 100 milliliters), alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Force, the master rebuilder tonic, a general systemic reconstructive * * * aid to digestion * * * Force * * * reconstructive * * * easy of assimilation by the most weakened system. This tonic is well indicated in the very numerous conditions of debility (both general and nervous) following overwork, worry, loss of appetite, impaired digestion, anaemia, convalescence from acute fever, infectious diseases, and physical and mental exhaustion depending upon or attended by a general or nervous breakdown."

On January 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22010. Misbranding of C. G. Griswold's Family Salve or Plaster. U. S. v. 142 Packages of C. G. Griswold's Family Salve or Plaster. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31197. Sample no. 43943-A.)

Examination of the drug preparation involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 3, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 142 packages of C. G. Griswold's Family Salve or Plaster at Brooklyn, N.Y., alleging that the article had been shipped in interstate commerce on or about September 1, 1933, by the Sisson Drug Co., from Hartford, Conn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of lead oleate and rosin.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Wrapper) "For * * * Boils * * * and Wounds. Helps external Ulcers and hard Tumors, * * * and Sores of all kinds for Man or Beast. * * * For boils, ulcers and canker sores."

On November 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

22011. Misbranding of Sleepy Salts. U. S. v. 71 Packages of Sleepy Salts. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31187. Sample no. 43494-A.)

Examination of the drug product, Sleepy Salts, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 2, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 71 packages of Sleepy Salts at Jamaica, Long Island, N.Y., consigned by the Sleepy Water Co., Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 13, 1933, from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium sulphate and magnesium sulphate, with a small proportion of sodium chloride.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on a poster and in a circular shipped with the article, were false and fraudulent: (Poster) "Reduce Safely With Sleepy Salts * * * now! Home Made Mineral Water Will Curb * * * Rheumatism, Neuritis Arthritis & Kidney Distress"; (circular) "The twentieth century demands of every person clearness of mind and a swift and graceful body. If you have these, you keep on looking youthful no matter how fast the years roll on. We all know today, thanks to modern medical science, that overweight is a robber of youth, a scourge to health, and without both youth and health, every person would be severely robbed of many of life's greatest pleasures. * * * obesity (overweight). When this condition becomes extremely aggravated, it often brings on various types of diseases * * * it often cuts down the length of life of the ailing person. It is evident, naturally, that this refers not to an accumulation of fat beneath the skin, but to the extreme cases of the kind where there is a fatty penetration into muscular tissues and where different important organs are surrounded by a coating of fat which makes it more difficult for them to act. Almost every modern and intelligent man and woman knows or is aware of these facts. They fear being overweight. And unfortunately, great harm has come to many people who adopt drastic dangerous means of self medication in their efforts towards personal improvement. Sleepy Salts is not a treatment of starvation. Instead it is still possible to eat as much of the right food as you want and need, to satisfy yourself. Never go hungry. * * * Sleepy Salts offer tremendous assistance to the problem of overweight when

not due to organic disease. Organic disease of such kind does not often occur, and in those few cases, the symptoms are usually noticeable that the proper and suitable medical assistance that the condition calls for is usually promptly had. Sleepy Salts is a very beneficial product which when taken with reasonable feeding recommendations, is of definite and specific benefit in the reduction of excess fat, when that fattening condition is not due to any disease of the body; and in that regard Sleepy Salts may be used safely by everyone without the slightest fear of any harm to the system. For men and women who are disagreeably overweight and who wish to fight the tendency of their bodies towards excess fat, in order to be more physically able as well as attractive, Sleepy Salts is definitely recommended. * * * in the treatment of excess fat and Rheumatic, gouty and nervous disorders. As a matter of fact, from the viewpoint of the medical treatment, Sleepy Salts is directed towards the same objective that people have in drinking the waters of these famous health resorts. * * * aided digestion, * * * quieted their nerves and let them sleep sound and rest well. * * * to help the sick, the weak and the ailing. * * * if a person is trying to lower the amount of excess flesh and if the work of Sleepy Salts is constantly being made more difficult by absolutely unlimited and uncontrolled eating of wrong foods, this could easily counteract such progress as was being obtained by the medical treatment. Losing Fat Quickly * * * When a decided thorough cleansing is desired * * * It is easy to take Sleepy Salts on a weak stomach. * * * use Sleepy Salts, a little in a glass of water every morning before breakfast, to keep your system free from waste matter, toxins and depleting poisons."

On November 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22012. Misbranding of X-Z-Mex. U. S. v. 717 Jars of X-Z-Mex. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31167. Sample no. 43039-A.)

Examination of the drug product, X-Z-Mex, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On September 29, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 717 jars of X-Z-Mex at Maspeth, Long Island, N.Y., alleging that the article had been shipped in interstate commerce on or about September 8, 1933, by the Dr. Jayess Pharmacal Products, from Allston Station, Boston, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of zinc oxide (5.3 percent), salicylic acid (1.1 percent), sodium salicylate (1.3 percent), mercurous chloride (2.2 percent), volatile oil such as cade oil (1 percent), and water (4.7 percent), incorporated in petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the jar and carton labels and in the circular shipped with the article, were false and fraudulent: (Jar) "Use 'X-Z-Mex' for Skin Affections * * * Useful for the treatment of eczema * * * psoriasis, pimples, ulcers, effective for dandruff, affected parts * * * For dandruff"; (carton) "Use 'X-Z-Mex' * * * for Skin Affections Healing * * * Use 'X-Z-Mex' * * * for Skin Affections Useful for Eczema * * * Use 'X-Z-Mex' * * * for Skin Affections * * * Use 'X-Z-Mex' * * * for Skin Affections Useful for Acne—Pimples—Dandruff. * * * To parts Affected"; (circular) "Use 'X-Z-Mex' * * * For Skin Affections * * * Heals * * * Pimples—Acne * * * Eczema of the Arm * * * for skin affections such as Eczema, Psoriasis, * * * Acne, Pimples, * * * Barber's Itch, Dandruff, Itching Scalp Conditions. * * * affected parts * * * In cases of Eczema or other spreading skin affections * * * Eczema Legs * * * Eczema—Hand * * * Eczema—Hand * * * Two weeks ago my face was covered with running sores * * * I tried X-Z-Mex ointment and in a few days the running stopped entirely and now my face is as good as ever. * * * It works like magic. * * * X-Z-Mex my face (especially my chin,

was in terrible condition, constantly irritated due to having to shave and seemed to be growing worse every day. After using this ointment mentioned above for two weeks my face is back to its originally healthy condition. * * * After trying for months to get rid of a skin infection on my face without results, I tried X-Z-Mex ointment. My face is clearing up and leaving my skin in a good healthy condition. * * * Barber's Itch * * * X-Z-Mex and after using just two jars of this ointment it cleared up my face and left it in good healthy condition. * * * your X-Z-Mex. Have used * * * same in many cases of Eczema with exceptionally good results. * * * Have used your X-Z-Mex for a skin condition which broke out on my face, and had exceptional good results after using one (1) jar. I can recommend same to anyone afflicted with skin trouble. * * * stubborn cases of Athlete's Foot * * * X-Z-Mex. I have been greatly bothered with a rash on my forehead for a number of years * * * X-Z-Mex * * * got almost immediate results from the use of one jar. * * * the results I get from X-Z-Mex. * * * X-Z-Mex for an infection that I contracted in a barber shop. It broke out very badly with sores and pimples which were very itchy. After several applications of your ointment it cleared up the face very nicely. I will not hesitate to recommend X-Z-Mex to anyone suffering from conditions such as mine. * * * X-Z-Mex for conditions on feet * * * wonderful ointment for such conditions as * * * Eczema. * * * For several years I have suffered from Eczema on my legs. Have tried various advertised remedies without any permanent results. After using X-Z-Mex I received greater benefit than any other remedy."

On November 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22013. Misbranding of Ner-Vita. U. S. v. 12 Bottles of Ner-Vita. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31166. Sample no. 14108-A.)

Examination of the drug product, Ner-Vita, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On September 30, 1933, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 bottles of Ner-Vita at San Antonio, Tex., alleging that the article had been shipped in interstate commerce on or about July 15, 1933, by the Huxley Laboratory, Inc., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Ner-Vita * * * Anglo-American Pharmaceutical Corporation."

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium, iron, manganese, sodium, and potassium glycerophosphates and formates, strychnine, glycerin, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Wrapper label) "Ner-Vita * * * A Tonic of Vitality for Rebuilding Weak Nerves * * * Ner-Vita * * * 'Ner-Vita' is a food for the nerves and a nutritive tonic, giving in an ideal form the phospho-proto-plasmic elements which are so important. * * * for the formation of new blood, strengthens and fortifies the nerves and muscles. * * * assists the digestion and invigorates the brain. * * * 'Ner-Vita'"; (bottle label) "Ner-Vita * * * Ner-Vita is a Food for the Nerves and a Nutritive Tonic. For Anemia, Loss of Appetite, Debility. * * * Ner-Vita"; (carton label) "Ner-Vita * * * A food for the nerves and a nutritive tonic giving in an ideal form the phosphatic, protoplasmic elements which are so important. * * * For the Blood, the Nerves and the Brain. Useful in the treatment of Neurasthenia, Intellectual Incapacity, Muscular Debility, Anemia, etc. Ner-Vita * * * for nervous debility. * * * Ner-Vita"; (large circular) "Ner-Vita * * * a food for the nerves and a nutritive tonic, giving in ideal form the important phosphatic, protoplasmic elements. * * * Ner-Vita * * * alimentary and reconstituent action * * * Cases for Which the Ner-Vita of Dr. Huxley Is Prescribed. General Debility and Any Condition of Exhaustion. * * * Anemia. Insufficient Alimentation. Chlorosis. Insomnia of Nervous

Origin. Nervous Depression and Irritability. Neurasthenia and Other Diseases of the Nervous System. * * * Cerebral Debility. Lack of Appetite. General Debility: When one experiences a sensation of fatigue in the brain, when even to think is an effort, when sufficient energy is lacking to carry to a conclusion the activities of daily life, when fatigue easily invades the body and the strength disappears, there is no doubt that the organism is lacking in vitality. * * * almost always occurs after a disease or as the result of excessive work, abuses, mental suffering and preoccupations. As soon as one experiences these symptoms he should take Ner-Vita of Dr. Huxley regularly and constantly. The beneficial effects of the Ner-Vita will be manifested in a surprisingly short time, the body will recover its strength, the muscles their resistance and elasticity and the brain its lucidity. If one ignores this condition of the organism it is almost certain that serious diseases will occur which are easily contracted owing to a lack of energy to combat them and naturally difficult to eradicate because of the weak condition of the patient. Convalescence: During the long and tedious period when the organism has been debilitated by the struggle which it waged with the disease; the Ner-Vita of Dr. Huxley rapidly restores the lost strength. The color will return to the cheeks, there is a rapid gain in weight and the general condition of the patient will improve in a surprising manner. Anemia: Anemia is a condition in which the blood is deficient in quality or quantity due to debilitating diseases or an insufficiency of red corpuscles. Anemia is characterized by pallor of the skin, languor, frequent yawning and muscular debility. In cases of anemia the Ner-Vita of Dr. Huxley will supply the elements essential for increasing the red corpuscles of the blood. It stimulates the circulation and the muscular activity, * * * appetite, and the patient gradually experiences improvement and a general feeling of well-being. Some persons do not attach much importance to anemia but it is nevertheless one of the diseases which requires the greatest care because if it is not combated in due time it may degenerate into the serious forms of anemia such as pernicious anemia, cerebral anemia and various others of a fatal nature. Insufficient Alimentation: In medicine 'insufficient alimentation' or 'malnutrition' does not necessarily mean to eat little. It is possible to eat with an excellent appetite and yet to experience the symptoms of insufficient alimentation which is manifested by loss in weight, lack of energy and a general condition of debility. In children and persons of advanced age this condition is very frequently produced by imperfect assimilation of the food and the organism therefore does not take from it the required amount of alimentary substances. The Ner-Vita of Dr. Huxley supplies these substances to the organism in addition to stimulating the digestion and the system in general, very important factors in the treatment of cases of insufficient alimentation. Chlorosis: Chlorosis is a peculiar species of anemia commonly known as 'green sickness' on account of the greenish pallor which the skin acquires and which chiefly attacks young people at the age of puberty. Other symptoms are depression of the appetite with digestive disorders, general debility, nervous alterations, and in some cases difficult and painful menstruation. Ner-Vita of Dr. Huxley is likewise of great value in the treatment of chlorosis, enriching the blood and nourishing the tissues. Neurasthenia and Nervous Disorders: The majority of physicians place all nervous disorders in the category of neurasthenia, since in describing the causes, symptoms and treatment of neurasthenia it may be said that they embrace all the manifestations of the nervous system. Those persons may be regarded as neurasthenic who, without cause or special disease, suffer with physical fatigue, melancholia, languor, insomnia, impotency, serious depression of the vital forces and loss of appetite. The mental disturbances of neurasthenia manifest themselves in the form of irritability, difficulty in concentrating the thought, vague memory, exaggerated susceptibility and a great tendency to imagine one is the victim of all sorts of diseases. Neurasthenics embitter their life and the lives of those associated with them. Ner-Vita of Dr. Huxley is recommended for the treatment of neurasthenia and other nervous disorders of the same nature. The acid glycerophosphates in the form of Ner-Vita of Dr. Huxley are extremely helpful in nourishing the nervous system and the brain. For Mothers: An excessive demand on the vital forces always produces a condition of debility and if there is any time when the mother is subjected to excessive losses it is during the periods of pregnancy and nursing when she has need of all the energy which her organism is able to produce. * * * reconstituent * * * the Ner-Vita of Dr. Huxley is ideal for supplementing the special diet which mothers observe during

these periods, rendering valuable assistance in sustaining the vitality and consequently the development of the child. Especially during nursing is the mother subjected to an extra loss of mineral salts (acid glycerophosphates) which it is necessary to replace in some way and for this purpose there is nothing better than the Ner-Vita of Dr. Huxley. Rachitism: Rachitis is a disease which is prevalent in children and young persons during growth, when the body lacks the elements necessary for the development. The symptoms of rachitis are emaciation, sweats, muscular pains and general deterioration. The Ner-Vita of Dr. Huxley is a valuable reconstituent for children whose development is retarded, supplying them the extra energy which they require for growth and for maintaining the mental and physical effort which their studies impose on them [translated from Spanish]."

On January 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22014. Misbranding of The \$20,000 A Dose Discovery. U. S. v. 22 Bottles of The \$20,000 a Dose Discovery. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31145. Sample no. 49489-A.)

Examination of the drug product involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On September 22, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 bottles of The \$20,000 A Dose Discovery at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about August 24, 1933, by C. Neil Simpson, from Houston, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "The \$20,000 A Dose Discovery * * * Prepared and Sold by the Science of Longevity Co., C. Neil Simpson, Mgr."

Analysis of a sample of the article by this Department showed that it consisted essentially of a mixture of zinc sulphate and powdered digitalis leaves.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing on the packages, were false and fraudulent: "A Purifier that has and will give recovery in Cancer, in and on any part of the body and all kinds of bad blood disease, smallpox, syphilis, and bad venereal diseases, old sores, eczema, itch, ulcerated stomach and bowels, piles, boils, carbuncles, pellagra, and all kinds of inflammation and bad skin disease, pimples, stomach, kidney trouble, all female complaint, other sickness, dropsey, T. B., rheumatism * * * The Science of Longevity * * * the very first and only true knowledge for living a long life with an ever strong body and healthy constitution * * * Directions: Shake well. Take 1 teaspoonful every 2 hours, not after bed time until cured, without water and before eating. For children 10 Drops to one-half teaspoonful. If it makes sick, reduce dose. If not taking effect double or treble it. Some people who are of large, strong and hard physique need more to take effect, while others of medium physique and their system open, require the prescribed dose or less * * * in T.B."

On January 24, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22015. Misbranding of Red Heart Blood Tabs and Prescription 1000 External. U. S. v. 13 Bottles of Red Heart Blood Tabs and 101 Bottles of Prescription 1000 External. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31129, 31131. Sample nos. 46545-A, 46550-A.)

Examination of the drug preparations involved in these cases disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 9, 1933, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 13 bottles of Red Heart Blood

Tabls and 101 bottles of Prescription 1000 External at Houston, Tex., alleging that the articles had been shipped in interstate commerce in various shipments between the dates of April 11, 1932, and July 27, 1933, by the Reese Chemical Co., from Cleveland, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Red Heart Blood Tabs consisted essentially of iron carbonate, zinc phosphide, calcium carbonate, and extracts of plant drugs, including nux vomica and a laxative drug; and that the Prescription 1000 External consisted essentially of potassium permanganate (0.1 percent) and water.

It was alleged in the libels that the articles were misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effect of the articles, were false and fraudulent: (Red Heart Blood Tabs, carton) "Red Heart Blood Tabs Blood Nerve and System Tonic Use Red Heart Blood Tabs when you * * * feel a lack of ambition. Red Heart Blood Tabs"; (bottle) "Red Heart Blood Tabs"; (circular) "Blood Tabs A Powerful Nerve & Blood Tonic * * * System Tonic For Men and Women Aids in Stimulating self confidence. Makes you feel healthier and stronger. If you are run down and nervous Blood-Tabs will tone your system and aid in bringing back your health and strength. * * * Vim * * * Ambition Zip Strength Punch Fight Energy Youth Pep"; (Prescription 1000 External, carton) "Prescription 1000 External * * * has stood the test"; (blown in bottle) "For External Use Only Prescription 1000 Externally Use 4 Times Daily"; (circular) "Prescription 1000 External (Injection) Directions Use with small syringe every hour or two for two days, then use four times daily. Do not dilute. Continue using Prescription 1000 External and Prescription 1000 Internal (sic) for two weeks, if not entirely relieved see a good physician."

On January 17 and January 19, 1934, no claimant having appeared for this property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22016. Misbranding of Histeon. U. S. v. 2,515 Packages, et al., of Histeon.
Default decrees of condemnation, forfeiture, and destruction.
(F. & D. Nos. 31046, 31052, 31098, 31099, 31100. Sample nos. 42510-A, 49486-A, 49487-A, 49490-A, 49491-A, 49492-A.)

Examination of the drug product, Histeon, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It was also represented on the carton and bottle labels that the article could be taken with perfect safety, and circulars enclosed with certain of the shipments contained the statement that the product was not habit forming, whereas the article contained a drug or drugs that might be harmful and habit forming.

On September 5 and September 14, 1933, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 3,751 packages of Histeon at St. Louis, Mo. On September 6, 1933, a libel was filed in the Southern District of Indiana against 195 dozen packages of Histeon at Indianapolis, Ind. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of August 8, 1933, and September 6, 1933, by the Histeon Corporation, from Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of phenobarbital, antipyrine, and a small proportion of plant material.

The libels charged that the article was misbranded in that the following statements appearing in the labeling were false and misleading: (Carton and bottle labels) "May be taken with perfect safety as long as required"; (circular shipped with portions) "Non-habit forming." Misbranding was alleged with respect to portions of the article for the further reason that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Bottle and carton) "Indicated in the palliative treatment of asthma, hay fever and bronchitis. Directions: Take two tablets one half hour after each meal and at bed time until the attacks are thoroughly relieved, then one tablet four

times daily will probably be found sufficient. Where necessary three tablets per dose may be taken with perfect safety as long as required." Misbranding was alleged with respect to the remainder of the article for the further reason that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Bottle label and carton) "Indicated in the Palliative Treatment of Asthma, Hay Fever and Bronchitis * * * Directions—Take 2 tablets one-half hour after each meal and at bed time until the attacks are thoroughly relieved. Then 1 tablet four times daily, will probably be found sufficient. Where necessary 3 tablets per dose may be taken with perfect safety as long as required"; (circular) "Indicated in The Palliative Treatment of Hay Fever, Asthma, Bronchitis, Hives * * * Rose Fever and similar Allergic Conditions. For years hay fever has been a common disease, and a mysterious disease. As we know today, the pollen-producing plants which have always been blamed for the distress—sneezing, watery nasal discharge, watering eyes and some fever—are not the only causes of hay fever. Hair—fur—even some rug-dust cause hay fever in certain people. In fact it is estimated there are at least 350 causes. Why does hay fever hit some people—and leave others alone? Why do some plants produce hay fever in A, while B gets it only from other plants, and remains totally insensitive to the pollens that cause A's distress? Not Pollens * * * Poison. It was this very fact of mystery that led to the discovery of the Histen treatment of hay fever. A Chicago physician, well-known for his work in hay fever and asthma, had long been puzzled by it. 'All hay fever patients have the same symptoms,' he reasoned. 'They all feel about the same—though some patients suffer more severely than others. But—not all hay fever patients are stricken by the same causes. Ragweed pollen is the cause in some persons. Others can breathe ragweed pollen for a month, unharmed—yet come down with hay fever the minute they breathe certain other pollens, like timothy, or are exposed to certain furs, hairs, or dusts. The trouble must lie, not with the pollens, but with the poison which these pollens produce in the blood streams of certain persons—and it must be the same poison always, or the symptoms would not always be the same. If, then, I can find a way to neutralizing the poison, it will be necessary to fight pollens. It won't make any difference which pollen leads to the body poison, if I can check the effect of the poison itself.' What Poison? * * * The Problem. But this doctor's inquiring mind went further. Hay fever is an 'allergic' disease—a disease in which the patient is very sensitive to certain substances. But—there are other allergic diseases, besides hay fever. Hives is one of them. Certain people cannot eat certain foods—eggs, for example, or strawberries—without having a skin rash. In other words, while some people are super-sensitive to things they breathe, others are super-sensitive to foods they eat. And a great number of people who suffered from hay fever were also the victims of hives: Also, a good many hay fever victims, sooner or later developed asthma—also known to be an allergic or 'sensitivity' disease. 'Was it possible', he asked, 'that the same poison caused all three of these diseases?' It was possible. The Poison Exposed. Independent medical research was being carried on simultaneously in great laboratories in other parts of the country which convinced this Chicago specialist that he was on the right track. Recently certain important announcements were made which further confirmed his belief. At last he felt certain of one thing: That all who suffered from hay fever or asthma have one thing in common with the others—an overload in the blood stream of a body poison very similar to histamine. Was a histamine-like substance the poison? He set out to investigate. In a famous Medical University where his tests were made, he injected small amounts of histamine in his control cases, and the results of these tests convinced him that a histamine-like substance is present in excessive amounts in all hay fever, asthma and other allergic disorders. Amazing Drug Discovery. However—The drug to counteract it was not found yet. Months of experimenting followed. Finally a clue was found—a small one but a clear one. He narrowed his experiments to the various salts and derivatives of the [blocked in center].

"1. Histamine (or a substance very similar to this common body poison), was found in excess amounts in the blood of all hay fever, asthma and other allergic cases observed.

"2. The histamine-like substance was identical in all patients regardless of what pollens they were sensitive to (or what foods in the case of asthma, hives, etc.)

"3. Histamine poisoning is now believed by medical scientists to be the underlying cause of hay fever, asthma, and other allergic disturbances.

"4. Histen acts to neutralize and overcome histamine-poisoning and in test cases of hay fever, asthma and hives it has produced rapid and remarkable relief—often appearing in the first few minutes and producing an apparently complete absence of irritation and distressing symptoms. * * *

drug which had shown the first hint of results. And then one day, a simple variation of a previous experiment gave the answer. It was amazing. The new drug brought prompt relief in the test cases almost as quickly as did the so-called 'emergency' asthma and hay fever drugs—but its effects did not wear off as rapidly—it was more lasting. A wholly new degree of lasting relief had been found. Careful Testing To Prove Results That was the first discovery of Histen. Then followed long and exhaustive tests—two and one-half years of them. Tests were watched carefully. Test after test was conducted. Finally the doctor took his researches out of his clinic, and enlisted the aid of the laboratory of a great Medical University. The relief-results in some of the doctor's asthma cases lasted as long as the two and one-half years. And the University tests served to verify the doctor's beliefs. Two and one-half years after Histen was discovered and only after the tests had shown Histen's power time and time again, the secret was at last released. An End To Hay Fever Torture The Chicago specialist's find may easily be considered the most basic work in the long war on hay fever. It may be the final answer to this baffling problem. For by bringing action directly to bear on the common poison found in all hay fever and asthma cases examined, the long-drawn-out experience process of pollen testing and injections may now be entirely unnecessary. Certainly this new drug promises quick, inexpensive short-cut relief"; (testimonials) "Mrs. J. B., age 51 years. Hay Fever and Asthma. Had Hay Fever for 11 years. Attacks every August brought on Asthma, wheezing, running nose and inflamed eyes. Treatment: 2 Histen tablets one-half hour after meals and at bedtime. Case immediately relieved and all symptoms disappeared. Mrs. J. R., age 30 years. Asthma and Hay Fever every summer and fall for 5 years with persistent cough and other usual symptoms. Treatment: Two Histen tablets one-half hour after each meal and at bedtime. Gave prompt relief, irritating cough stopped and patient states feels much better. Miss P. H., child 6 years of age. Mother stated child had Asthma since 1 year old. More severe during Hay Fever season. Chokes up and breathing very difficult. Treatment: 1 Histen tablet at bedtime daily has given complete relief for past 18 months. Mr. F. W., age 54 years, Bronchial Asthma. Unable to sleep in bed for 9 years because of choking spasms. Sat up in easy chair instead. Treatment: 2 Histen tablets 4 times daily, since reduced to 1. Has been free of Asthma attacks since treatment began 2 months ago and now sleeps comfortably in bed. Miss E. B., age 21. Hay Fever and Asthma for past 10 years. Especially bad during Hay Fever season. Treatment: 2 Histen tablets one-half hour after each meal and at bedtime (since reduced to 1 tablet per dose) brought complete relief from all asthmatic and hay fever symptoms. Mr. A. L., age 29. Hay Fever and Asthma for past 6 years. Treatment: Histen tablets in usual doses aborted all hay fever and asthmatic attacks. Has been free from all symptoms for more than one year. Mr. E. S., age 47. Hay Fever for 10 years beginning in August. So severe unable to work. Treatment: 2 Histen tablets 4 times daily (later reduced to one per dose). Immediately relieved of all attacks and symptoms. Has not had return of symptoms since August, 1931, when first treated Directions * * * in Hay Fever * * * Take Two Histen Tablets one-half hour after every meal, and Two each night before retiring until the attacks are thoroughly relieved. Then One Tablet four times daily will probably be found sufficient. Where necessary, Three Tablets per dose may be taken with perfect safety as long as required— * * *

It should be understood that Histen is taken in order to combat the histamine-like poison which according to the latest scientific theory is a basic cause of hay fever, asthma and other allergic disorders. Histen will not prevent this poisonous matter from forming. It acts, however, to counteract and neutralize excess amounts as they appear and thus assist in promptly overcoming the attacks. For children from 6 to 12 years of age, begin with One Tablet at night and if necessary increase to One Tablet four times daily. Note: These same directions should also be followed in cases of Rose Fever. In Asthma And Bronchitis Observe the same routine in asthma as in hay fever. And, even

though the attacks may disappear promptly, be sure to continue taking Hixteen long enough to get the best results. In Hixes Take Two Hixteen Tablets one-half hour after each meal, and Two just before retiring, as in hay fever and asthma."

On December 9, 1933, and January 24, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22017. Misbranding of H. G. C. U. S. v. 274 Bottles and 144 Bottles of H. G. C. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31009, 31093. Sample nos. 14111-A, 46535-A.)

Examination of the drug product, "H.G.C.", disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative or therapeutic effects claimed in the labeling.

On August 29 and September 13, 1933, the United States attorney for the Western District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 418 bottles of H.G.C. at San Antonio, Tex., alleging that the article had been shipped in interstate commerce between the dates of June 9 and August 29, 1933, by the Acme Chemical Manufacturing Co., Ltd., from New Orleans, La., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a liquid and a crystalline drug. The liquid contained borax (0.75 percent), berberine sulphate (0.19 percent), and water (99.06 percent). The crystalline drug consisted of magnesium sulphate.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the circular shipped with the article, regarding its curative and therapeutic effects, were false and fraudulent: "Directions For Using H.G.C. For External Use Only Injection The accompanying syringe to be used for injection. Use sufficient force to reach all parts. This can best be done by sitting down, holding the syringe on a level with the organ. Inject three or four times a day regularly. The mouth of the H.G.C. bottle is large enough to insert syringe and draw injection from the bottle. Keep the syringe clean; after use, rinse in clean water. Keep bowels open by using the enclosed package of Sulphate of Magnesia. Avoid irritating influences. Keep as quiet as possible. The wearing of a suspensory bandage is advisable when one is on his feet a great deal. [Similar statements in a foreign language.]"

On January 5, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22018. Misbranding of Avol Tablets. U. S. v. 36,020 Avol Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31016. Sample no. 6492-A.)

This case involved a shipment of drug tablets that contained undeclared acetphenetidin, a derivative of acetanilid.

On August 28, 1933, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36,020 Avol Tablets at Holton, Kans., alleging that the article had been shipped in interstate commerce on or about August 3, 1933, by the Shores-Mueller Co., from Cedar Rapids, Iowa, and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that the tablets contained 1.7 grains of acetphenetidin each.

It was alleged in the libel that the article was misbranded in that it contained acetphenetidin and it failed to bear a statement on the label of the quantity or proportion of acetphenetidin contained therein.

On January 31, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22019. Misbranding of Colonaïd. U. S. v. Norwood Pharmaceutical Co., Inc., and Clyde F. Lloyd. Pleas of guilty. Fine, \$50. (F. & D. no. 30169. Sample no. 3673-A.)

Examination of the drug preparation, Colonaïd, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was essentially a drug and was labeled to convey the misleading impression that it was a natural laxative food.

On October 31, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Norwood Pharmaceutical Co, Inc., a corporation, trading at Chicago, Ill., and Clyde F. Lloyd, of Chicago, Ill., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about February 3, 1932, from the State of Illinois into the State of Indiana, of a quantity of Colonaïd that was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of milk sugar, casein, dextrin, and smaller proportions of starch, phenolphthalein, calcium phosphate, a potassium compound, and carbonates.

It was alleged in the information that the article was misbranded in that the statement, "Colonaïd, being a natural laxative food", borne on the can label, and the statements, "Colonaïd is a food that is absolutely harmless as it contains nothing but ingredients eaten every day by the American family * * * Colonaïd, being absolutely pure food, is not habit forming and can be taken in most any quantity by adults without being harmful", appearing in the circular shipped with the article, were false and misleading, since the article was not a natural laxative food, it was not absolutely harmless, and it did contain ingredients that are not eaten every day by the American family; it was not an absolutely pure food; and it could not be taken in any quantity by adults without being harmful, in that it contained phenolphthalein.

Misbranding was alleged for the further reason that certain statements, designs, and devices appearing on the can label and in the circular, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that the article was effective as an aid in the treatment of diseases of the colon; effective as a treatment, remedy, and cure for stomach and bowel troubles, such as bilious headaches, painful gas distention of the bowels, malnutrition, auto-intoxication, and foul breath; effective in the treatment of all colon trouble and all forms of stomach and bowel ailments; effective as a remedy for intestinal ailments; effective to correct constipation and restore paralyzed muscles in the colon; effective to keep the waste food matter in the colon in perfect condition; effective as an upbuilder of blood, tissue, muscles, bones, and the nervous system; and effective as a tonic and as a preventive of gases and constipation.

On February 1, 1934, pleas of not guilty theretofore entered were withdrawn, and pleas of guilty were entered on behalf of the defendants, and the court imposed a fine of \$50 on the defendants, jointly.

M. L. WILSON, *Acting Secretary of Agriculture.*

22020. Misbranding of Colonaïd. U. S. v. Norwood Pharmaceutical Co., Inc. Plea of guilty. Fine, \$50. (F. & D. no. 26701. I.S. no. 26583.)

On May 6, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Norwood Pharmaceutical Co., Inc., trading at Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about December 23, 1930, from the State of Illinois into the State of Wisconsin, of a quantity of Colonaïd that was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of milk sugar, casein, dextrin, and smaller proportions of starch, phenolphthalein, calcium phosphate, a potassium compound, and carbonates.

It was alleged in the information that the article was misbranded in that the statements, "The ingredients of Colonaïd feed nourish and enormously increase friendly protective acid forming acidophilus bacteria that are normal

inhabitants of the alimentary tract of man. These acids destroy and inhibit harmful bacteria that live in the colon. With the development of the normal bacterial acids in the intestines, the colon again receives the normal stimulation for expelling gases and body residues. The first pound of powder used increases and develops the acid forming acidophilus and other protective bacteria and immediately after that the protective bacterial acids combined with intestinal juices begin their work of expelling the poison making bacteria and pent up painful gases. Colonaïd being a natural laxative food", appearing on the can label, and the statements, "Colonaïd is a food that is absolutely harmless as it contains nothing but ingredients eaten every day by the American family * * * Colonaïd being absolutely pure food, is not habit forming and can be taken in most any quantity by adults without being harmful", appearing in the circular, were false and misleading, since the article did not contain ingredients that nourish and enormously increase friendly protective acid-forming acidophilus bacteria that are normal inhabitants of the alimentary tract of man; it did not increase and develop acidophilus and other protective bacteria; it contained no ingredient that would destroy and inhibit harmful bacteria that live in the colon; it contained no ingredient to increase and develop acidophilus and other protective bacteria which combined with intestinal juices could expel poison making bacteria; it was not a natural laxative food; it was not absolutely harmless; it contained ingredients that are not eaten every day by the American family; it was not an absolutely pure food; and it could not be taken in almost any quantity by adults without being harmful, since it contained phenolphthalein.

Misbranding was alleged for the further reason that certain statements, designs, and devices appearing on the can label and in the circular, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for stomach and bowel troubles, such as bilious headaches, painful gas distention of the bowels, malnutrition, auto-intoxication, and foul breath; effective in the treatment of all colon troubles, and all forms of stomach and bowel ailments; effective to correct constipation and restore paralyzed muscles in the colon; effective to destroy poison-making bacteria that infest the colon; effective to keep the waste food matter in the colon in perfect condition; effective as an upbuilder of blood, tissue, muscles, bones, and the nervous system; effective as a tonic; and effective as a preventive of gases and constipation.

On February 1, 1934, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22021. Misbranding of Khylex. U. S. v. 14 Cases of Khylex. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30478. Sample no. 30363-A.)

Examination of the drug preparation, Khylex, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On May 22, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 14 cases, each containing 24 bottles of Khylex at Washington, D.C., alleging that the article had been sold on or about February 11, 1933, by the Khylex Chemical Co., Alexandria, Va., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium hypochlorite, sodium chloride, sodium hydroxide, sodium carbonate, and water.

It was alleged in the libel that the article was misbranded in that the following statements, borne on the bottle label, regarding the curative and therapeutic effects of the article, were false and fraudulent, "For Itch, Skin Eruption."

On October 18, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22022. Misbranding of L. B. J. Cough Syrup. U. S. v. 538 Packages and 356 Packages of L. B. J. Cough Syrup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29972, 29973. Sample nos. 20550-A, 31651-A.)

Examination of the drug preparation involved in these cases disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 23, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of two lots, consisting of 894 packages, of L. B. J. Cough Syrup at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about December 22, 1932, by the Little Brown Jug Inc., from Sinking Spring, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs, including wild cherry, tar, sugar, alcohol, and water.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton label of one lot) "For Coughs * * * Hoarseness, Croup, Whooping Cough, Bronchitis * * * in severe cases, one teaspoonful every hour until relieved [the same statements appeared on the bottle label of the remaining lot]"; (circular accompanying both lots) "Cures * * * Coughs—Hoarseness Whooping Cough—Bronchitis—Etc."

On January 18, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

22023. Misbranding of L. B. J. Cough Syrup. U. S. v. 238 Packages of L. B. J. Cough Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29971. Sample no. 20549-A.)

Examination of the product involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 23, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 238 packages of L. B. J. Cough Syrup at New York City, N.Y., alleging that the article had been shipped in interstate commerce on or about November 7, 1932, by the Liberty Forwarding & Distributing Co., from Reading, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs, including wild cherry, tar, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects, were false and fraudulent: (Carton) "For Coughs, Colds, Hoarseness Croup, Bronchitis * * * in severe cases, 1 teaspoonful every hour until relieved", (circular) "Sand Paper Throat * * * Relieved immediately * * * 'Sandpaper Throat'—That Condition of the Throat that is caused by coughs, hoarseness, tonsillitis, whooping cough."

On January 18, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

22024. Misbranding of Dr. Tripp's Tonic Prescription. U. S. v. Norwood Pharmaceutical Co. Plea of guilty. Fine, \$25. (F. & D. no. 28205. I.S. no. 47832.)

Examination of the drug product, Dr. Tripp's Tonic Prescription, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 8, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Norwood Pharmaceutical Co., a

corporation, trading at Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 25, 1932, from the State of Illinois into the State of Michigan, of a quantity of Dr. Tripp's Tonic Prescription which was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of potassium iodide (2.28 grains per 100 millimeters), red saunders, extracts of plant drugs, including cinchona, a laxative drug such as cascara sagrada, sugar, alcohol, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing in the booklet shipped with the article, falsely and fraudulently represented that it was effective to restore vitality and to preserve and restore health; effective as a treatment, remedy, and cure for blood impurities, rheumatism, inflammatory rheumatism, arthritis, torticollis, neuritis, all blood and skin troubles, nervous debility, fevers of various types, constant headaches, pains and aches throughout the body, sciatica, kidney ailments, acne, eczema, pimples, blackheads, scrofula, nervous and physical breakdown, and most human ills; effective to awaken the functioning of dormant organs and to remove obstructions from those that are clogged; effective as a restorative for disorders of the blood, stomach, and nerve systems; effective as a treatment, remedy, and cure for blotches, blemishes, backache, a general run-down condition, liver diseases, kidney diseases, bladder diseases, gout, lumbago, women's ailments, and a completely shattered system; effective as a dissolver of poisons and as a cleanser of the system; effective to carry toxins out of the blood circulation, to alkalinize the blood stream, and to reduce acidosis; effective as an organic purification; and effective as a treatment, remedy, and cure for chronic ailments, sallow complexion, high blood pressure, and sore joints.

On February 1, 1934, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22025. Adulteration and misbranding of Healthagain. U. S. v. 11 Bottles of Healthagain. Default decree of forfeiture and destruction. (F. & D. no. 29183. Sample no. 26790-A.)

This case involved a product labeled to convey the impression that it was a food medicine of vegetable origin and contained no harmful drugs. Examination showed that the article contained a mineral drug, that it was not a food, and that it might be harmful. The labeling also bore unwarranted curative and therapeutic claims.

On November 4, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 bottles of Healthagain at Fremont, Ohio, alleging that the article had been shipped in interstate commerce on or about October 25, 1932, by the Healthagain Laboratories, from Wellsburg, W.Va., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of Epsom salt (approximately 20 percent), extracts of plant drugs, including laxative drugs such as jalap, senna, and rhubarb, alcohol (approximately 3.2 percent), sugar (approximately 20 percent), and water.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely: (Bottle) "Compounded of U.S.P. Vegetable extracts and alfalfa."

Misbranding was alleged for the reason that the statements, "Compounded of U.S.P., vegetable extracts and alfalfa", "A food medicine", and "No harmful drugs", borne on the labels, were false and misleading, since the article contained Epsom salt, among other ingredients; it was not a food; and the ingredients of which the article was composed might be harmful. Misbranding was alleged for the further reason that the statements, "Healthagain", appearing on all bottles, "Recommended for use in the treatment of diabetes", appearing on certain bottles, "Recommended for use in the treatment of Liver", appearing on certain bottles, and "Recommended for use in the treatment of dropsy special", appearing on certain bottles, were false and fraudulent.

On July 18, 1933, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

22026-22075

[Approved by the Acting Secretary of Agriculture, Washington, D.C., August 31, 1934]

22026. Adulteration and misbranding of orange, lemon, and grapefruit juices. U. S. v. Zohios Angelos (Angelos Candy Co.). Plea of guilty. Fine, \$25. (F. & D. no. 27567, I. S. nos. 17244, 17245, 17246, 35852, 35853.)

This case was based on interstate shipments of products represented to consist of real orange, lemon, and grapefruit juices, respectively. Examination showed that the articles consisted of fruit juices diluted with sugar and water and preserved with sodium benzoate, the orange and grapefruit containing added citric acid. The products were also found to be short volume.

On May 21, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Zohios Angelos, trading as Angelos Candy Co., Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 22, 1931, from the State of Illinois into the State of Michigan, of quantities of alleged real fruit juices which were adulterated and misbranded. The articles were labeled in part: (Glasses) "Real Fruit Juices Contents: 16 Fl. Oz. Orange [or "Lemon" or "Grapefruit"] Angelos * * * 3329 and 3331 N. Western Ave. * * * Chicago."

It was alleged in the information that the articles were adulterated in that orange or grapefruit juice diluted with sugar and water, acidulated with added citric acid, and preserved with sodium benzoate had been substituted for real orange or grapefruit juice, and in that lemon juice diluted with sugar and water and preserved with sodium benzoate had been substituted for real lemon juice.

Misbranding was alleged for the reason that the statements, "Real Fruit Juice Orange", "Real Fruit Juice Lemon", "Real Fruit Juice Grapefruit", "Contents 16 Fl. Oz.", borne on the glasses containing the articles, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since they did not consist wholly of real orange, lemon, or grapefruit juice, and the glasses contained less than 16 fluid ounces. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 21, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22027. Adulteration and misbranding of apricot-, blackberry-, and cherry-flavored sirups. U. S. v. Joseph B. Pahls, and Clemens A. Pahls. Pleas of guilty. Fine, \$25. (F. & D. no. 28161. I.S. nos. 25673, 25674, 25676.)

This case was based on interstate shipments of artificially flavored and colored imitation fruit-flavored sirups.

On December 13, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph B. Pahls and Clemens A. Pahls, members

of a copartnership trading as Joe Grein and J. Pahls, Chicago Ill., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about March 18, 1931, and May 27, 1931, from the State of Illinois into the State of Indiana, of quantities of apricot-, blackberry-, and cherry-flavored sirups which were adulterated and misbranded. The articles were labeled in part: (Bottles) "Look for the Lily G. and P. Brand Apricot [or "Blackberry" or "Cherry"] Flavored Syrup Artificially Colored Citric Acid Added * * * Joe Grein & J. Pahls. * * * Chicago."

It was alleged in the information that the apricot sirup was adulterated in that an imitation apricot-flavored sirup containing no true apricot flavor but containing citric acid and artificial flavor and color had been substituted for apricot-flavored sirup to which had been added citric acid and artificial flavor and color, which the article purported to be, but was not, since it was not apricot-flavored sirup either before or after the addition of citric acid and artificial flavor and color. Adulteration of the blackberry- and cherry-sirups was alleged for the reason that imitation blackberry or cherry flavored sirups containing citric acid, artificially colored, and flavored with undeclared artificial flavor had been substituted for the articles.

Misbranding was alleged for the reason that the statements, "Apricot Flavored Syrup", "Blackberry Flavored Syrup", "Cherry Flavored Syrup", borne on the labels, were false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the articles were not fruit-flavored sirups but were imitations, and the word "imitation" was not borne on the labels of the containers. Misbranding was alleged for the further reason that the articles were imitations of other articles and were offered for sale under the distinctive names of such other articles, since the apricot sirup contained no apricot, the blackberry sirup was not flavored with blackberry, and the cherry sirup contained no true cherry flavor.

On March 10, 1934, the defendants entered pleas of guilty, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22028. Misbranding of cottonseed meal. U. S. v. Richard K. Wootten, James W. Simmons, George A. Simmons, and Tom B. Simmons (Quanah Cotton Oil Co.). Plea of guilty. Fine, \$25. (F. & D. no. 29371. I.S. no. 47486.)

This case was based on an interstate shipment of cottonseed meal that contained less than 43 percent of protein, the amount declared on the label.

On December 5, 1932, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Richard K. Wootten, James W. Simmons, George A. Simmons, and Tom B. Simmons, copartners, trading as Quanah Cotton Oil Co., Quanah, Tex., alleging shipment by said defendants in violation of the Food and Drugs Act on or about December 19, 1931, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal that was misbranded. The article was labeled in part: (Tag) "43% Protein Cottonseed Meal Prime Quality Manufactured By Quanah Cotton Oil Co. Quanah, Texas. Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent."

It was alleged in the information that the article was misbranded in that the statements, "Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent", and "43% Protein Cottonseed Meal", borne on the tag, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On February 2, 1934, a plea of guilty was entered, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22029. Adulteration of canned frozen eggs. U. S. v. Tranin Egg Products Co. Plea of guilty. Fine, \$25. (F. & D. no. 29384. I.S. nos. 36942, 36943.)

This case was based on an interstate shipment of canned frozen eggs that were found to be in part decomposed.

On January 20, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Tranin Egg Products Co., a corporation, Kansas City, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 9, 1931, from the State of Missouri into the

State of Texas, of a quantity of canned frozen eggs that were adulterated. The greater number of the cans were labeled in part: "Tranin's Pure Frozen Eggs Mixed Eggs Sam Tranin Products Co. * * * Kansas City, Mo."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On February 16, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22030. Adulteration of butter. U. S. v. The Merchants Creamery Co., Inc. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 29454. I.S. no. 42725.)

This case was based on a shipment of butter, samples of which were found to contain less than 80 percent of milk fat, the standard for butter established by Congress.

On June 19, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Merchants Creamery Co., Inc., Cincinnati, Ohio, alleging shipment by said company on or about January 14, 1932, from the State of Ohio into the State of New York, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On February 6, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22031. Adulteration and misbranding of potatoes. U. S. v. The Mahaffey Commission Co. Plea of guilty. Fine, \$300. (F. & D. no. 30142. I.S. no. 47905. Sample nos. 3100-A, 6710-A.)

This case was based on various shipments of potatoes which were represented to meet the requirements of United States Grade 1 potatoes but which were found to be below grade because of excessive grade defects.

On May 9, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mahaffey Commission Co., Chicago, Ill. It was alleged in the information that the defendant company had received at Chicago, Ill., a quantity of potatoes shipped on or about December 2, 1931, under the name of Mahaffey Co., from Virgin Spur, Wis.; that the said defendant had delivered the said potatoes for pay and shipped them to a firm in Cairo, Ill., in the original, unbroken packages, and that the article was adulterated and misbranded in violation of the Food and Drugs Act. It was further alleged that the defendant company had shipped on or about May 18, 1932, from the State of Illinois into the State of Kentucky, and on or about May 21, 1932, from the State of Illinois into the State of Missouri, quantities of potatoes that were also adulterated and misbranded in violation of the said act. The article was labeled in part variously: "U.S. Grade No. 1 Wisconsin Potatoes Sun Brand Leonard, Crosset & Riley, Inc. Waupaca, Wisconsin", "Victory Brand Potatoes U.S. Grade No. 1 * * * The Mahaffey Commission Co. Chicago", "Duke of Dublin Brand Potatoes U.S. Grade No. 1 * * * Packed Exclusively for The Mahaffey Commission Co. Chicago."

The information charged that the article was adulterated in that potatoes of a lower and inferior standard and grade than U.S. Grade no. 1 standard potatoes had been substituted for U.S. Grade no. 1 standard potatoes, which the article purported to be.

Misbranding was alleged for the reason that the statement, "U.S. Grade No. 1 * * * Potatoes", borne on the labels, was false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the article was not United States Grade no. 1 but was a lower and inferior grade. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On February 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$300.

M. L. WILSON, *Acting Secretary of Agriculture.*

22032. Adulteration and misbranding of butter. U. S. v. Elmer Frimoth (Sanitary Butter Co.). Plea of guilty. Fine, \$40 and costs. (F. & D. no. 30154. Sample no. 5522-A.)

This case was based on shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On May 10, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Elmer Frimoth, trading as the Sanitary Butter Co., Clinton, Iowa, alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 7 and May 9, 1932, from the State of Iowa into the State of Illinois, of quantities of butter that was adulterated and misbranded. The article was labeled in part: "Sunlight Creamery Butter Sunlight The Cudahy Packing Co., General Offices Chicago Distributors."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Butter", borne on the cartons, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product containing not less than 80 percent by weight of milk fat, whereas it was not butter since it contained less than 80 percent by weight of milk fat.

On November 28, 1933, the defendant entered a plea of guilty, and the court imposed a fine of \$40 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22033. Adulteration of dried black figs. U. S. v. 259 Cases of Dried Black Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31777. Sample no. 50965-A.)

This case involved a shipment of black figs that were found to be insect-infested.

On December 28, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 259 cases of dried black figs at Denver, Colo., consigned by the California Packing Co., and invoiced by the Roeding Fig & Olive Co., from Fresno, Calif., alleging that the article had been shipped in interstate commerce on October 10 and November 8, 1933, from the State of California into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Elk Brand Black Figs."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 24, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22034. Adulteration of apples. U. S. v. 8 Baskets and 120 Bushels of Apples. Default decree of destruction. (F. & D. no. 31799. Sample nos. 57917-A, 57918-A.)

This case involved a shipment of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On November 27, 1933, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 baskets and 120 bushels of apples at Paducah, Ky., consigned by R. A. Watson, Neoga, Ill., alleging that the article had been shipped in interstate commerce on or about November 23, 1933, from Neoga, Ill., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Fancy Grimes Golden Packed by R. A. Watson—Morrison Valley City, Ill."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On January 4, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22035. Adulteration of tomato puree. U. S. v. 1,000 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31823. Sample no. 64145-A.)

This case involved shipments of tomato puree that contained excessive mold.

On January 10, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,000 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce by J. M. Thompson & Co., in part on or about November 29 and December 1, 1933, from Granville, Mo., and in part on or about December 2, 1933, from Milwaukee, Wis., and charging adulteration in violation of the Foods and Drugs Act. The article was labeled in part: (Cans) "Rockfield Pride Puree * * * Packed by Rockfield Canning Co., Rockfield Wis."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On February 27, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22036. Misbranding of vinegar. U. S. v. 46 Cases of Vinegar. Default decree of condemnation and forfeiture. Product delivered to a Federal agency. (F. & D. no. 31841. Sample no. 66663-A.)

This case involved the shipment of a quantity of vinegar that was found to be short volume.

On January 17, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 cases of vinegar at Lemar, Colo., consigned by the Wichita Vinegar Works, alleging that the article had been shipped in interstate commerce on or about August 7, 1933, from Wichita, Kans., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottles) "Harvest Home Brand Contents One Pint Cider Vinegar Packed by Jett and Wood Mercantile Company, Wichita Kansas."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents One Pint", was false and misleading and deceived and mislead the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On March 15, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the United States Veterans Administration Facility at Fort Lyon, Colo., for consumption.

M. L. WILSON, *Acting Secretary of Agriculture.*

22037. Adulteration of chocolate-coated confections. U. S. v. 10 Boxes, et al., of Chocolate-Coated Confections. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31847. Sample no. 60023-A.)

This case involved a shipment of confectionery that was found to contain alcohol.

On January 17, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against 10 unlabeled pasteboard boxes and 10 round tin boxes of chocolate-coated confections at Buffalo, N.Y., consigned by H. L. Caplan & Co., Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about December 29, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mlle Modiste Confiseur Rue St. Honore Paris."

It was alleged in the libel that the article was adulterated in that it contained spirituous liquor.

On February 28, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22038. Adulteration and misbranding of butter. U. S. v. 2 Cans and 1 Tub of Butter. Default decrees of destruction. (F. & D. nos. 31854, 31855. Sample nos. 50555-A, 50576-A.)

These cases involved shipments of a product which was sold under the distinctive name of butter but which was not butter as defined by law, since it contained less than 80 percent of milk fat. Examination further showed that the article contained filth.

On January 5, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 30-pound cans and one 30-pound tub of butter at Cincinnati, Ohio, consigned by C. B. Wallace, from Leon, Ky., in part on December 22 and in part on December 29, 1933, alleging that the article had been shipped in interstate commerce from the State of Kentucky into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Butter—From C. B. Wallace, Sophie, Ky."

It was alleged in the libels that the article was adulterated in that a product deficient in milk fat, since it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be. Adulteration was alleged for the further reason that the article consisted in whole or in part of a filthy animal substance.

It was further alleged in the libels that the article was misbranded in that it was sold as butter, a product which should contain not less than 80 percent by weight of milk fat, whereas it contained less than 80 percent by weight of milk fat.

On January 3 and January 10, 1934, no claimant having appeared for the property, and the court having found that the product was spoiled and unfit for human consumption, judgments were entered ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22039. Misbranding of sirup. U. S. v. 49 Cases of Sirup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31861. Sample nos. 58726-A, 58663-A.)

Examination of the sirup involved in this case showed that the article contained less than 15 percent of maple sirup, the amount declared on the label. The article was also short volume.

On January 18, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases of sirup at Camden, N.J., alleging that the article had been shipped in interstate commerce on or about September 19, 1933, by J. Stromeyer Co., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Walt Whitman Brand Cane and Maple Syrup Contents ½ Pint. Composed of 85% Granulated Sugar Syrup and 15% Pure Maple Syrup."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Composed of 85% Granulated Sugar Syrup and 15% Pure Maple Syrup", and "Contents ½ Pint", were false and misleading and deceived and misled the purchaser when applied to a product which contained less than 15 percent of pure maple sirup and which was short of the declared volume. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On February 15, 1934, the J. Stromeyer Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered by the court, and it was ordered that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$150, conditioned that it be repacked under

the supervision of this Department and that it be disposed of only in compliance with law, both Federal and State.

M. L. WILSON, *Acting Secretary of Agriculture.*

22040. Misbranding of canned pears. U. S. v. 242 Cases of Canned Pears. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31868. Sample nos. 54980-A, 58712-A.)

This case involved a shipment of canned pears which fell below the standard established by this Department, because of the presence of excessively trimmed pieces, and which were not labeled to indicate that they were sub-standard.

On January 20, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 242 cases of canned pears at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce by the National Fruit Canning Co., from Seattle, Wash., on or about November 20, 1933, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "National Red Bartlet Pears * * * Packed by National Fruit Canning Co., Seattle."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because of the presence of excessively trimmed pieces, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On January 31, 1934, the National Fruit Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22041. Misbranding of sirup. U. S. v. 35 Cases of Sirup. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31871. Sample no. 66714-A.)

This case involved a shipment of sirup, sample cans of which were found to contain less than the declared volume.

On January 23, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 cases of canned sirup at Denver, Colo., consigned by the General Food Sales Co., Inc., alleging that the article had been shipped in interstate commerce on or about July 1, 1933, from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Towles Log Cabin Syrup Log Cabin Products Co., Inc., Hoboken, N.J. Net Contents 12 Fl. Ozs."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 12 Fl. Ozs.," was false and misleading and deceived and misled the purchaser. Misbranding was further alleged in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On January 23, 1934, the General Foods Sales Co., Inc., having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22042. Adulteration of butter. U. S. v. 1 Barrel of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31900. Sample no. 54608-A.)

This case involved a shipment of butter that contained maggots, mold, straw, and other extraneous matter. Examination also showed that the article was deficient in milk fat.

On January 9, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 barrel, containing approximately 154 pounds of butter, at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about December 21, 1933, by the Barrett Produce Co., from Dalton, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Barrett Produce Co., Dalton, Ga."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923. Adulteration was alleged for the further reason that the article consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On February 17, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22043. Adulteration of butter. U. S. v. 2 Cans of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31901. Sample no. 54609-A.)

This case involved a shipment of butter that contained rodent hair, mold, fiber and other extraneous matter.

On January 9, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cans, containing approximately 102 pounds of butter, at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about December 22, 1933, by L. L. Rogers, from Gainesville, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From L. L. Rogers, P. O. Brookton, Ga., Shipp. Point Gainesville, Ga."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On February 17, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22044. Adulteration of butter. U. S. v. 11 Cubes of Butter. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 31910. Sample no. 60517-A.)

This case involved a shipment of butter which contained less than 80 percent by weight of milk fat and which contained filth.

On January 4, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about December 15, 1933, by the Northern Creamery Co., from Great Falls, Mont., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923. Adulteration was alleged for the further reason that the article consisted in whole or in part of a filthy and decomposed animal substance.

On February 9, 1934, the sole intervener, the Sentinel-Missoula Creamery Co., having consented to the destruction of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22045. Adulteration of butter. U. S. v. 1 Barrel of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31911. Sample no. 66115-A.)

This case involved a shipment of butter which contained rodent hairs, insects and parts of their bodies, and other extraneous matter.

On January 8, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel, containing 325 pounds of butter, at New York, N.Y. alleging that the article had been shipped in interstate commerce on or about December 30, 1933, by the Standard Supply Co., from Christiansburg, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On January 26, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22046. Adulteration of butter. U. S. v. 8 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. no. 31956. Sample no. 56359-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On January 25, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight tubs of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about January 8, 1934, by the Borden Produce Co., Inc., Willow Springs Division, from Springfield, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On February 21, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered. On February 26, 1934, the decree was amended to permit distribution of the product to charitable institutions in lieu of destruction.

M. L. WILSON, *Acting Secretary of Agriculture.*

22047. Adulteration and misbranding of potatoes. U. S. v. 371 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31995. Sample no. 64362-A.)

This case involved a shipment of potatoes which were represented to be United States Grade No. 1 which contained excessive grade defects.

On or about February 16, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 371 sacks of potatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 7, 1934, by the Northern Potato Co., from Mosinee, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. Grade No. 1 The Original Northern Brand Potatoes None Better Antigo Potato Co. Antigo, Wis. Shippers C M."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated on the label had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement on the label "U. S. Grade Number One", was false and misleading and deceived and misled the purchaser.

On February 20, 1934, Thomas Zeloski, Mosinee, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled with a correct statement as to its condition.

M. L. WILSON, *Acting Secretary of Agriculture.*

22048. Adulteration of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32380. Sample no. 66073-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On February 9, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce from Paducah, Ky., on or about January 30, 1934, by the McKenzie Milk Products Co., of McKenzie, Tenn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On February 14, 1934, the McKenzie Milk Products Co. having appeared through an agent as claimant for the property and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22049. Adulteration of butter. U. S. v. 194 Tubs of Butter. Product released under bond to be reworked. (F. & D. no. 32382. Sample nos. 68604-A, 68635-A.)

This case involved shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On February 15, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 194 tubs of butter at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about May 31 and June 1, 1933, by the Davis-Cleaver Produce Co., from Quincy, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On February 26, 1934, the Davis-Cleaver Produce Co. having appeared as claimant and having admitted the allegations of the libel, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$6,000, conditioned that the product be reworked so that it comply with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

22050. Adulteration of canned shrimp. U. S. v. 25 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31600. Sample nos. 37390-A, 49064-A.)

This case involved an interstate shipment of canned shrimp that was found to be in part decomposed.

On November 15, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of canned shrimp at Moscow, Idaho, alleging that the article had been shipped in interstate commerce on or about September 1, 1933, by the Gulf Coast Products Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gulf Coast Brand Shrimp * * * Packed by Gulf Coast Products Co., Inc., Point A. Lahache, La.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On December 15, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22051. Adulteration of canned shrimp. U. S. v. 818 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31200. Sample nos. 44907-A, 44908-A, 44909-A.)

This case involved a shipment of canned shrimp that was found to be in part decomposed.

On October 3, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 818 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 27, 1933, by Devitt & Sons Co., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Edgewater Fancy Baby Shrimp * * * Packed by Devitt & Son Co., New Orleans, La."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On February 20, 1934, Devitt & Sons Co. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that it be made to conform with the provisions of the Federal Food and Drugs Act, under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22052. Adulteration of apples. U. S. v. 28 Bushels of Apples. Default decree of destruction. (F. & D. no. 31306. Sample no. 52455-A.)

This case involved an interstate shipment of apples which were found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On October 6, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 bushels of apples at St. Joseph, Mo., alleging that the article had been shipped in interstate commerce on or about September 22, 1933, by Toney Hartman, from Wathena, Kans., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On January 3, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22053. Adulteration and misbranding of graham crackers. U. S. v. 713 Cases of Graham Crackers. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31960. Sample nos. 45473-A, 45474-A, 45478-A, 47702-A, 47703-A.)

This case involved a shipment of a product represented to consist of orange and honey-flavored graham crackers. Examination failed to detect the presence of any orange flavor in the product. All packages examined were found to contain less than 2 pounds, the declared weight.

On February 8, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 713 cases of graham crackers at San Francisco, Calif., alleging that the article had been shipped in interstate commerce by the American Cracker Co., from Seattle, Wash., in various shipments on or about January 13, 20, 24, and 27, 1934, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Package) "San Francisco Biscuit Co. Orange Flavored Honey Flavored Graham Crackers Sweetened with Sugar 2 Pounds Net Weight."

It was alleged in the libel that the article was adulterated in that graham crackers sweetened with sugar and honey had been substituted for orange-flavored, honey-flavored graham crackers.

Misbranding of the article was alleged for the reason that the statements on the label, "Orange Flavored Honey Flavored Graham Crackers" and "2 Pounds Net Weight", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the product was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On February 21, 1934, the San Francisco Biscuit Co., San Francisco, Calif., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned that it be made to conform with the provisions of the Federal Food and Drugs act under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22054. Adulteration of tullibeas. U. S. v. 146 Boxes, et al., of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29686. Sample nos. 26414-A to 26417-A.)

This case involved shipments of tullibeas that were found to be infested with parasitic worms.

On December 28, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 541 boxes of tullibeas at Baltimore, Md., alleging that the article had been shipped in interstate commerce between August 28, 1932, and November 3, 1932, by the Booth Fisheries Co., from Warroad, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance, and in that it consisted of portions of animals unfit for food.

On August 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22055. Adulteration of canned shrimp. U. S. v. 567 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31287. Sample no. 45124-A.)

This case involved a shipment of canned shrimp that was found to be in part decomposed.

On October 26, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 567 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about September 8, 1933, by the Golden Meadow Packing Co., from Golden Meadow, La., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On March 28, 1934, no claimant having appeared for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22056. Misbranding of black pepper. U. S. v. American Tea & Coffee Co. (American Ace Tea & Coffee Co., Inc., American Ace Coffee Co.). Plea of nolo contendere. Fine, \$10. (F. & D. no. 31334. Sample no. 26756-A.)

This case was based on an interstate shipment of pepper in packages that were not labeled to show the quantity of the contents.

On December 18, 1933, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the American Tea & Coffee Co., Nashville, Tenn., a corporation, trading as the American Ace Tea & Coffee Co., Inc., and

as the American Ace Coffee Co., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about October 12, 1932, from the State of Tennessee into the State of Kentucky, of a quantity of black pepper that was misbranded. The article was labeled in part: (Can) "American Ace Brand Pure Ground Black Pepper American Ace Tea & Coffee Co., Inc. * * * Louisville, Ky., Nashville, Tenn."

It was alleged in the information that the article was misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 13, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

22057. Adulteration of canned shrimp. U. S. v. 762 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31890. Sample nos. 47341-A, 47354-A.)

This case involved a shipment of canned shrimp that was found to be in part decomposed.

On January 25, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 762 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce by the Anticich Packing Co., Inc., from Biloxi, Miss., on or about December 11, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gulf Spray Brand Shrimp * * * Packed by Anticich Packing Co., Inc., Biloxi, Miss."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On February 26, 1934, the Anticich Packing Co., Inc., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$3 000, conditioned that it not be sold or disposed of in violation of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22058. Adulteration and misbranding of butter. U. S. v. Delta Valley Creamery Co. Plea of guilty. Fine, \$32. (F. & D. no. 29513. Sample nos. 1092-A, 1093-A, 13613-A.)

This case was based on interstate shipments of print butter that contained less than 80 percent of milk fat. The prints were wrapped in parchment wrappers that bore no statement of the quantity of the contents.

On May 16, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Delta Valley Creamery Co., a corporation, Delta, Utah, alleging shipment by said company in violation of the Food and Drugs Act as amended, in three shipments on or about June 7, June 10 and July 22, 1932, respectively, of quantities of butter that was adulterated and misbranded. Two of the shipments were labeled on the case: "Butter."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged with respect to two of the shipments for the reason that the statement, "Butter," borne on the cases, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the article was not butter, in that it contained less than 80 percent by weight of milk fat. Misbranding was alleged with respect to all shipments for the reason that the articles was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 16, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$32.

M. L. WILSON, *Acting Secretary of Agriculture.*

22059. Adulteration and misbranding of butter. U. S. v. 335 Cartons, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 31959. Sample no. 66049-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On January 27, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 355 cartons, 43 boxes, and 12 tubs of butter at New York City, N.Y., alleging that the article had been shipped in interstate commerce on or about January 19, 1934, by Davis-Cleaver Produce Co., from Quincy, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The product contained in the 355 cartons was labeled in part: * * * Butter * * *."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged with respect to a portion of the article for the reason that the statement "Butter", borne on the label, was false and misleading.

On February 5, 1934, Davis-Cleaver Produce Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned that it be reworked under the supervision of this Department, so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22060. Adulteration of butter. U. S. v. 40 Boxes of Butter. Decree of condemnation. Product released under bond to be reworked. (F. & D. no. 32388. Sample no. 59248-A.)

This case involved butter that contained less than 80 percent of milk fat.

On February 15, 1934, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 boxes of butter at Quincy, Ill., alleging that the article had been shipped in interstate commerce on or about February 10, 1934, by the Davis-Cleaver Produce Co., from St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as required by the act of Congress of March 4, 1923.

On February 20, 1934, the Davis-Cleaver Produce Co. having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22061. Adulteration of butter. U. S. v. 3 Barrels of Butter. Default decree of destruction. (F. & D. no. 32622. Sample no. 60875-A.)

On April 3, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three barrels of butter at Cincinnati, Ohio, consigned about March 24, 1934, alleging that the article had been shipped in interstate commerce by Ralph Hurst & Co., from Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 4, 1934, no claimant having appeared for the property and the court having found that the product was spoiled and unfit for human consumption, judgment was entered ordering that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22062. Adulteration and misbranding of butter. U. S. v. 20 Pounds of Butter. Default decree of destruction. (F. & D. no. 32623. Sample no. 60872-A.)

This case involved a shipment of butter that was low in milk fat and was also spoiled and unfit for human consumption.

On March 23, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 pounds of butter at Cincinnati, Ohio, consigned about March 18, 1934, by S. M. Roberson, from Fullerton, Ky., alleging that the article had been shipped in interstate commerce from the State of Kentucky into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "From S. M. Roberson Address, Fullerton, Ky."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. Adulteration was alleged for the further reason that the article consisted in whole or in part of a filthy animal substance.

Misbranding was alleged for the reason that the article was sold under the distinctive name of another article, butter.

On March 26, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22063. Adulteration of canned shrimp. U. S. v. 363 Cases and 498¾ Cases of Canned Shrimp. Consent decrees of condemnation. Product released under bond for separation and destruction of decomposed portions. (F. & D. nos. 31718, 31822. Sample nos. 50476-A, 50483-A.)

These cases involved shipments of canned shrimp that was in part decomposed.

On December 13, 1933, and January 8, 1934, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 861¾ cases of canned shrimp at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about September 11 and September 19, 1933, by the Crawford Packing Co., from Palacios, Tex., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Crawford's Texas Shrimp Packed by Crawford Packing Co. Palacios, Texas."

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On March 31, 1934, the Crawford Packing Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$4,000, conditioned in part that the decomposed portion be separated from the good portion and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22064. Adulteration of butter. U. S. v. Armour & Co. (Armour Creameries). Plea of guilty. Fine, \$100. (F. & D. no. 31344. Sample nos. 31033-A, 31035-A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On February 19, 1934, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co., a corporation trading as Armour Creameries, at Pocatello, Idaho, alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 26, 1932, from the State of Idaho into the State of Washington, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined by the act of Congress of March 4, 1923, which the article purported to be.

On March 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

22065. Adulteration and misbranding of fruit sirups. U. S. v. Savoy Drug & Chemical Co. Plea of guilty. Fine, \$50. (F. & D. no. 28078. I. S. nos. 41751, 41752, 41753.)

This case was based on an interstate shipment of products which were represented to consist of fruit sirups but which were found to contain less fruit than standard fruit sirups, the raspberry and orange being artificially colored and the cherry containing added artificial flavor, benzaldehyde. The statement of the quantity of the contents was not made in terms of liquid measure.

On July 8, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Savoy Drug & Chemical Co., a corporation, Chicago, Ill., alleging shipment by said company under the name of the Ardo Co., in violation of the Food and Drugs Act, on or about July 18, 1931, from the State of Illinois into the State of Wisconsin, of quantities of products invoiced as "Raspberry Juice", "Orange Juice", and "Cherry Juice", respectively, which were adulterated and misbranded. One of the lots was labeled in part: "One Pound Dernehl's * * * Raspberry Juice With Cane Sugar Fruit Acid Added * * * Distributed by A. Dernehl & Sons Co. Milwaukee, Wisconsin." The other lots bore similar labels with the exception of the name of the variety, "Orange" or "Cherry."

It was alleged in the information that the raspberry and orange sirups were adulterated in that cane sirup products flavored with raspberry or orange concentrates containing but negligible amounts of natural raspberry or orange juices, and which were colored with undeclared artificial color, had been substituted for raspberry juice with cane sugar, and orange juice with cane sugar, which the articles purported to be. Adulteration of the cherry sirup was alleged for the reason that a cane sirup product flavored with undeclared artificial flavor in imitation of cherry, and deficient in true cherry juice, and containing a negligible amount of cherry juice had been substituted for cherry juice with cane sugar, which the articles purported to be. Adulteration was alleged for the further reason that the raspberry and orange sirups were colored in a manner whereby inferiority was concealed, and in that the cherry sirup had been mixed with undeclared artificial flavor in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Raspberry Juice With Cane Sugar", "Orange Juice With Cane Sugar", "Cherry Juice With Cane Sugar", together with the pictorial designs of raspberries, oranges, and cherries, borne on the labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the articles were imitations of other articles, for the further reason that they were offered for sale, i.e., invoiced, under the distinctive names of other articles, namely, "Raspberry Juice", "Orange Juice", and "Cherry Juice", and for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since they were liquid products and the packages bore no statement as to the quantity of the contents in terms of liquid measure.

On February 15, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22066. Adulteration of canned shrimp. U. S. v. 948 Cases of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 31252. Sample no. 51452-A.)

This case involved a shipment of canned shrimp variously coded. Samples taken from certain of the codes were found to be decomposed.

On October 17, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 948 cases of canned shrimp at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about September 2, 1933, by the Fisher Seafood Co., from Lafitte, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, variously: "Seamaid Brand.

Shrimp", "Checker Wet Shrimp", or "Fisher's Sea Best Brand * * * Shrimp."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On February 17, 1934, the Fisher Sea Food Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that the decomposed portion be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22067. Adulteration and misbranding of fruit sirups. U. S. v. 1,251 Bottles of Cherry Sirup, et al. Decree of condemnation and forfeiture. Products released under bond to be relabeled. (F. & D. no. 31155. Sample nos. 55498-A, 55499-A, 55501-A, 55502-A, 55503-A.)

This action involved quantities of products represented to be pure fruit sirups. They were found to consist of mixtures of sugar, water, fruit juices, and added acid, and would be properly described as fruit-flavored sirups. The statement of the quantity of the contents appearing on the label was not expressed in terms of liquid measure.

On September 25, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 7,125 bottles of cherry, fruit punch, loganberry, raspberry, and strawberry sirups at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce in various shipments on or about April 15, May 25, and July 21, 1932, by the Orchard Products Co., from Chicago, Ill., and charging adulteration and misbranding under the Food and Drugs Act as amended. The articles were labeled variously in part: (Bottles) "Pure Cherry" [or "Fruit Punch", or "Loganberry", or "Raspberry", or "Strawberry"] * * * 16 oz. net weight."

It was alleged in the libels that the articles were adulterated in that mixtures of sugar, water, fruit juices, and undeclared added acid had been substituted for pure fruit sirups. Adulteration was alleged for the further reason that the articles had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements "Pure Fruit Punch Syrup * * * A delicious blend of fruits, fruit juices and rock candy syrup", "Pure Cherry Syrup [or "Pure Loganberry Syrup", "Pure Raspberry Syrup", or "Pure Strawberry Syrup"] * * * made from the juice of fresh cherries [or "Loganberries", "Raspberries", or "Strawberries"] and rock candy syrup", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles and for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement was not expressed in terms of liquid measure.

On September 28, 1933, the Orchard Products Co. having appeared as claimant and the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was decreed by the court that the products be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that they be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22068. Adulteration and misbranding of preserves. U. S. v. Eigelbner Food Products Co. Plea of guilty. Fine, \$150. (F. & D. no. 30253. Sample nos. 18952-A, 18953-A, 18958-A.)

This action involved quantities of preserves that were deficient in fruit and contained undeclared pectin, the strawberry and blackberry also containing added tartaric acid.

On September 22, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Eigelbner Food Products Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Foods and Drugs Act, on or about April 6, 1932, from the State of Illinois into the State of Iowa, of quantities of raspberry, strawberry, and blackberry

preserves that were adulterated and misbranded. The articles were labeled in part: "Plee-Zing Pure Preserves Raspberry [or "Strawberry" or "Blackberry"] * * * Eigelbner Food Products Co."

It was alleged in the information that the articles were adulterated in that excess sugar and water and added pectin had been mixed and packed with the articles so as to reduce, lower, and injuriously affect their quality. Adulteration was alleged for the further reason that mixtures of fruit and sugar with excess water and added pectin containing less fruit and more sugar than pure preserves, and in the case of the strawberry and blackberry, containing added tartaric acid had been substituted for raspberry, strawberry, and blackberry preserves, which the articles purported to be. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements "Pure Preserves Raspberry" [or "Strawberry" or "Blackberry"] borne on the labels, were false and misleading, for the further reason that the articles were labeled so as to deceive and mislead the purchaser, and for the further reason that they were imitations of other articles and were sold under the distinctive names of other articles.

On February 14, 1934, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

M. L. WILSON, *Acting Secretary of Agriculture.*

22069. Misbranding of apple cider vinegar. U. S. v. 193 Cases, et al., of Apple Cider Vinegar. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31094. Sample no. 39962-A.)

This case involved a shipment of apple cider vinegar that was found to be short volume.

On September 18, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 511 cases of apple cider vinegar at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about August 14, 1933, by the Shenandoah Valley Apple Cider & Vinegar Co., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Apple Pie Ridge Full Strength Pure Apple Cider Vinegar Contents One Quart [or "10 Fluid Ounces" or "One Pint"] Shenandoah Valley Apple Cider & Vinegar Co. Winchester, Va."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "Contents One Quart", "Contents 10 Fluid Ounces", and "Contents One Pint", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements were incorrect.

On February 6, 1934, the Shenandoah Valley Apple Cider & Vinegar Co., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22070. Adulteration of apple butter. U. S. v. 4 Cases of Canned Apple Butter. Default decree of condemnation and destruction. (F. & D. no. 31611. Sample no. 50372-A.)

This case involved a shipment of apple butter that was found to contain rodent hairs.

On November 20, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4 cases of apple butter at Dayton, Ohio, alleging that the article had been shipped in interstate commerce on or about October 3, 1933, by Cruikshank Bros., from Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cruikshank Cru. Bro. Apple Butter."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 19, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22071. Adulteration of tomato paste. U. S. v. 50 Boxes of Tomato Paste. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 30403. Sample no. 21520-A.)

This case involved a shipment of tomato paste that was found to contain excessive mold.

On May 5, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 boxes of tomato paste at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about March 17, 1933, by the Italian Food Products Co., Inc., from Long Beach, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "Norma Brand Tomato Paste Naples Style with Sweet Basil."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On February 15, 1934, the sole intervener having consented to the entry of a decree and having paid the costs of the proceedings, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22072. Adulteration of cottonseed cake. U. S. v. Planters Cotton Oil Co. Plea of guilty. Fine, \$100. (F. & D. no. 28187. I.S. no. 23824.)

This case was based on an interstate shipment of cottonseed cake that contained less than 43 percent of protein, the amount declared on the label.

On August 19, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Planters Cotton Oil Co., a corporation, Dallas, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 10, 1931, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake that was adulterated. The article was labeled in part: "Golden Rod 43% Protein Cottonseed Cake Prime Quality * * * Guaranteed Analysis Protein, not less than 43 percent * * * Manufactured By Planters Cotton Oil Co., of Dallas, Dallas, Texas."

It was alleged in the information that the article was adulterated in that cottonseed cake deficient in protein, since it contained less than 43 percent of protein, had been substituted for cottonseed cake containing not less than 43 percent of protein, which the article purported to be.

On February 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

22073. Adulteration of butter. U. S. v. Arthur J. Rivard (Taylors Falls Creamery). Plea of guilty. Fine, \$20. (F. & D. no. 30302. Sample nos. 10074-A, 11700-A.)

This case involved shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On September 14, 1933, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Arthur J. Rivard, doing business as the Taylors Falls Creamery, with a principal place of business at Taylors Falls, Minn., also trading at St. Croix Falls, Wis., alleging shipments by said defendant in violation of the Food and Drugs Act, in part on or about September 3 and December 21, 1932, from the State of Wisconsin into the State of New York, of quantities of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On February 21, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$20.

M. L. WILSON, *Acting Secretary of Agriculture.*

22074. Adulteration and misbranding of butter. U. S. v. Abe Shaffner, Carl Pollak, Morris Greenwald, Richard Jorritsma, and Max Hirsch (The Cassopolis Creamery). Plea of guilty. Fine, \$50. (F. & D. no. 30262. Sample no. 28757-A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On September 27, 1933, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Abe Shaffner, Carl Pollak, Morris Greenwald, Richard Jorritsma, and Max Hirsch, trading as the Cassopolis Creamery, Cassopolis, Mich., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 30, 1933, from the State of Michigan into the State of Indiana, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: (Cartons) "Diamond Lake Brand Finest Creamery Butter * * * The Cassopolis Creamery, Cassopolis, Mich."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding of the article was alleged for the reason that the statement, "Butter", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not butter as defined by law.

On February 20, 1934, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22075. Adulteration and misbranding of potatoes. U. S. v. Chetek Equity Cooperative Produce Co. Plea of guilty. Fine, \$10. (F. & D. no. 30296. Sample nos. 3098-A, 3099-A.)

This case was based on an interstate shipment of potatoes which were labeled "U. S. Grade No. 1" but which contained excessive grade defects consisting principally of deep-pitted scab, growth cracks, and badly misshapen potatoes.

On October 6, 1933, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chetek Equity Cooperative Produce Co., a corporation, Chetek, Wis., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 14, 1932, from the State of Wisconsin into the State of Illinois, of a quantity of potatoes that were adulterated and misbranded.

It was alleged in the information that the article was adulterated in that potatoes of a lower grade had been substituted for U. S. Grade No. 1 potatoes, which the article purported to be.

Misbranding was alleged for the reason that the statement, "U. S. Grade No. 1 Potatoes", borne on the label was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it failed to meet the requirements for U. S. Grade No. 1 potatoes.

On February 23, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

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FOOD AND DRUG ADMINISTRATION Department of Agriculture

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

22076-22175

[Approved by the Acting Secretary of Agriculture, Washington, D. C., August 31, 1934]

22076. Misbranding of canned peas. U. S. v. 148 Cartons of Canned Peas. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 27206. I. S. no. 29041.)

This case involved a shipment of canned peas which were substandard because of the presence of an excessive proportion of hard and mature peas, and which were not labeled to indicate that they were substandard.

On November 2, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 148 cartons of canned peas at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about August 21, 1931, by the Phillips Packing Co., Inc., from Cambridge, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Glydon Brand Early June Peas * * * Packed by Phillips Packing Co., Inc., Cambridge, Md." together with a cut of vine of green peas.

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since more than 10 percent of the peas were hard and mature, requiring a weight of 2 pounds or more to crush, and the package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On April 14, the Phillips Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the labels be removed and that it be relabeled in conformity with the published requirements of the Secretary of Agriculture, to state definitely that it was inferior to the standard of quality promulgated by the Secretary.

M. L. WILSON, Acting Secretary of Agriculture.

22077. Adulteration of tomato paste. U. S. v. 250 Cases of Tomato Paste. Tried to the court. Judgment for the Government. Decree of condemnation, forfeiture, and destruction entered. (F. & D. no. 27223. I. S. no. 24244. S. no. 5381.)

This case involved an interstate shipment of tomato paste which contained excessive mold.

On November 9, 1931, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 cases of tomato paste at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about August 11, 1931, by the Uddo-Taormina Corporation, from Los Angeles, Calif., and charging adulteration in violation

of the Food and Drugs Act. The article was labeled in part: (Can) "Salsa Di Pomodoro. * * * Packed by LaSierra Heights Canning Co., Los Angeles, California."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On February 17, 1932, Frank A. Taormina, vice-president of the Uddo-Taormina Corporation, entered an appearance and filed a claim for the property on behalf of said corporation. Subsequently the claimant filed a motion to dismiss, which motion was over-ruled on January 28, 1933, and on February 16, 1933, an answer was filed denying the adulteration charge. On March 15, 1933, a jury having waived, the case came on for trial and the court having heard the pleadings and the evidence and arguments of counsel, entered judgment condemning and forfeiting the property and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22078. Adulteration of butter. U. S. v. Paul A. Schulze Co. Plea of nolo contendere. Fine, \$300 and costs. (F. & D. no. 27462. I. S. nos. 16531, 30366, 31013, 31014, 33945, 34107.)

This case was based on interstate shipments of butter which contained less than 80 percent by weight of milk fat.

On April 6, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Paul A. Schulze Co., a corporation, St. Louis, Mo., alleging shipment by said company between the dates of May 27, 1931, and June 17, 1931, from the State of Missouri, in part into the State of New York and in part into the District of Columbia, of quantities of butter which was adulterated. The article was labeled variously: "Sunshine Valley Butter * * * Packed Exclusively For Sunshine Valley Product Co., St. Louis, Mo."; "Jersey Belle Creamery Butter * * * Paul A. Schulze Co., St. Louis, Mo."; "Blue Ribbon Brand Creamery Butter * * * David W. Lewis & Co., New York City."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On April 28, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$300 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22079. Adulteration and misbranding of oysters. U. S. v. Charles A. Loockerman. Plea of nolo contendere. Judgment of guilty; fine, \$100 and costs. (F. & D. no. 28130. I. S. nos. 39280 to 39283, incl., 39286 to 39289, incl., 41361, 41365, 41374, 45723, 47554.)

This case was based on interstate shipments of oysters which contained excessive water.

On May 2, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles A. Loockerman, Crisfield, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, between the dates of November 16, 1931, and December 22, 1931, from the State of Maryland, into the States of Missouri, Pennsylvania, Illinois, and Ohio, of quantities of oysters which were adulterated, and the greater number of shipments of which were also misbranded. One of the shipments was labeled, "Minimum 1-Gallon Volume", and was invoiced as "Standards." The remaining shipments were labeled in part: "Fansepakt * * * Oysters Packed Exclusively For Mid-Central Fish Co., Kansas City, Mo., Distributors"; or "Original Pac, * * * Oysters."

It was alleged in the information that the article was adulterated in that water had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength; in that water had been substituted in part for oysters which the article purported to be; and in that a valuable constituent of the article, oyster solids, had been in part abstracted.

Misbranding of all lots but one was alleged for the reason that the statement on the label, "Oysters", was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since

the article was represented to consist wholly of oysters, whereas it consisted in part of excessive water.

On May 2, 1934, a plea of *nolo contendere* was entered, and the court found the defendant guilty and imposed a fine of \$100 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22080. Adulteration of canned tomatoes. U. S. v. 719 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 28797 to 28806, incl. Sample nos. 13394-A, 16779-A, 16782-A.)

This case involved an interstate shipment of canned tomatoes, examination of which showed the presence of insect-infestation and maggots.

On August 27, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 719 cases of canned tomatoes at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about May 20, 1932, by J. W. Gillespie, from Princeton, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Winners Brand Tomatoes * * * Packed By Columbia Canning Co. Homestead, Fla. J. W. Gillespie Owner."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On May 10, 1934, the claim of J. W. Gillespie, the sole intervener, having been withdrawn, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22081. Adulteration and misbranding of oysters. U. S. v. Robert W. Howeth and Charles W. Howeth, Jr. (Chas. W. Howeth & Bro.). Pleas of nolo contendere. Judgments of guilty. Fine, \$90 and costs. (F. & D. no. 29355. I.S. nos. 37573, 37574, 37578, 39687, 39689.)

This case was based on interstate shipments of oysters which contained excessive water.

On May 2, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Robert W. Howeth and Charles W. Howeth, Jr., copartners, trading as Chas. W. Howeth & Bro., Crisfield, Md., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about November 16, 17, 18, and 19, 1931, from the State of Maryland into the State of Pennsylvania, of quantities of oysters which were adulterated, and a portion of which were also misbranded. The product in one of the shipments was labeled: "Famous Sea Foods H. & B. Brand Oysters * * * These Oysters are Packed in Accordance with the National Health Regulations and Pure Food Laws." The remainder was labeled: "Minimum Volume 1 Pt."

It was alleged in the information that the article was adulterated in that excessive water had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength; in that excessive water had been substituted in part for the article; and in that oyster solids, a valuable constituent of the article, had been in part abstracted.

Misbranding of the product in one of the shipments was alleged for the reason that the statement, "These Oysters Are Packed In Accordance With The * * * Pure Food Laws", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the article was adulterated in violation of the Federal Food and Drugs Act.

On May 2, 1934, pleas of *nolo contendere* were entered, and the court found the defendants guilty and imposed a fine of \$90 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22082. Adulteration of oysters. U. S. v. Nelson R. Coulbourn (N. R. Coulbourn). Plea of nolo contendere. Judgment of guilty. Fine, \$10 and costs. (F. & D. no. 29383. I.S. no. 37603.)

This case was based on a shipment of oysters which contained excessive water.

On May 2, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Nelson R. Coulbourn, trading as N. R. Coulbourn, Crisfield, Md., alleging shipment by said defendant, in violation of the Food and

Drugs Act, on or about December 22, 1931, from the State of Maryland into the State of Pennsylvania, of a quantity of oysters which were adulterated. The article was labeled in part: "Crisfield Oysters * * * Packed at Crisfield, Md. By N. R. Coulbourn."

It was alleged in the information that the article was adulterated in that excessive water had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

On May 2, 1934, a plea of nolo contendere was entered, and the court found the defendant guilty and imposed a fine of \$10 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22083. Misbranding of canned corn. U. S. v. Iowa Canning Co. Plea of guilty. Fine, \$25. (F. & D. no. 29502. I.S. no. 32200. Sample no. 2153-A.)

This case was based on two shipments of short-weight canned corn.

On April 11, 1934, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Iowa Canning Co., a corporation, Vinton, Iowa, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 11 and December 8, 1931, from the State of Iowa into the State of Colorado, of quantities of canned corn which was misbranded. The article was labeled in part: "Jonquil Brand Packed for The J. S. Brown Mercantile Co. Denver, Colo., Contents 16 oz. Sweet Corn."

It was alleged in the information that the article was misbranded in that the statement on the label, "Contents 16 oz.", was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the cans contained less than 16 ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 11, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22084. Adulteration of butter. U. S. v. Sardis Creamery Co. Plea of guilty. Fine, \$25. (F. & D. no. 29504. I.S. no. 42708.)

This case was based on an interstate shipment of butter which contained less than 80 percent of milk fat.

On December 18, 1933, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sardis Creamery Co., a corporation, Sardis, Miss., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 8, 1931, from the State of Mississippi into the State of Illinois (reshipped by the consignee to New York, N.Y., on or about December 14, 1931), and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the information that the article, when shipped by the defendant company, was adulterated in that a product deficient in milk fat, since it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined and required by the act of Congress of March 4, 1923, which the article purported to be.

On April 17, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22085. Adulteration and misbranding of butter. U. S. v. Inland Products Co. Plea of guilty. Fine, \$20. (F. & D. no. 29507. Sample nos. 1728-A, 1739-A.)

This case was based on two interstate shipments of butter, one of which contained less than 80 percent by weight of milk fat and the other of which was short weight.

On April 22, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Inland Products Co., a corporation, Spokane, Wash., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 18, and May 24, 1932, from the

State of Washington into the State of Idaho, of two lots of butter, one of which was adulterated, and the other misbranded. The article was labeled in part: "Inland's Clover-Dale Butter * * * Net Weight 16 Ounces Inland Products Co., Spokane."

It was alleged in the information that one lot of butter was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding of the remaining lot was alleged for the reason that the statement on the label, "Net Weight 16 Ounces", was false and misleading; and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 16 ounces.

On March 27, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$20.

M. L. WILSON, *Acting Secretary of Agriculture.*

22086. Adulteration of apples. U. S. v. Wenatchee Produce Co. Plea of nolo contendere. Fine, \$25. (F. & D. no. 30137. I.S. nos. 54358, 54359. Sample nos. 8204-A, 11636-A to 11639-A, incl., 12601.)

This case was based on interstate shipments of apples which were found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On January 29, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Wenatchee Produce Co., Wenatchee, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 31, April 29, and April 30, 1932, from the State of Washington into the State of New York; on or about April 29, 1932, from the State of Washington into the State of Pennsylvania; and on or about April 26, 1932, from the State of Washington into the State of Texas, of quantities of apples which were adulterated. The article was labeled in part: "Rose Brand Apples Wenatchee Produce Co. Wenatchee-Cashmere-Malaga-Entiat-Monitor, Washington."

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On April 3, 1934, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22087. Adulteration of celery. U. S. v. American Fruit Growers, Inc. Plea of guilty. Fine, \$50. (F. & D. no. 30201. Sample no. 18176-A.)

This case was based on an interstate shipment of celery, which was found to bear arsenic and lead in amounts which might have rendered it injurious to health.

On February 12, 1934, the United State attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the American Fruit Growers, Inc., Los Angeles, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 17, 1932, from the State of California into the State of Alabama, of a quantity of celery which was adulterated. The article was labeled in part: "Blue Goose Brand Celery American Fruit Growers Los Angeles, California."

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On April 16, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22088. Adulteration of frozen eggs. U. S. v. Miles Friedman, Inc., Rothenberg & Schneider Bros., Inc., et al. Pleas of guilty. Total fines, \$350. (F. & D. no. 30231. Sample nos. 20501-A to 20512-A, incl.)

This case was based on several interstate shipments of frozen eggs, samples of which were found to be decomposed.

On September 22, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against Miles Friedman, Inc., and Rothenberg & Schneider Bros., Inc., corporations, Chicago, Ill., and Miles Friedman, an officer of the former and Herman Rothenberg and Sam Schneider, officers of the latter, alleging shipment by said defendants in violation of the Food and Drugs Act, between the dates of February 26 and March 29, 1932, from the State of Illinois into the State of New Jersey of quantities of frozen eggs which were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed animal substance.

On February 28, 1934, pleas of guilty were entered on behalf of all defendants, and the court imposed a fine of \$175 jointly against Miles Friedman, Inc., and Miles Friedman, and a fine of \$175 jointly against Rothenberg and Schneider Bros., Inc., and Herman Rothenberg and Sam Schneider.

M. L. WILSON, *Acting Secretary of Agriculture.*

22089. Misbranding of canned cherries. U. S. v. Webster Canning & Preserving Co., Inc. Plea of nolo contendere. Fine, \$100. (F. & D. no. 30242. Sample nos. 2877-A, 18377-A, 18868-A.)

Samples of canned cherries taken from the shipments on which this case was based were found to contain less than the weight declared on the label.

On August 21, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Webster Canning & Preserving Co., Inc., a corporation, Webster, N.Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 8, 1932, from the State of New York into the State of Texas, and on or about August 13, 1932, from the State of New York into the State of Minnesota, of quantities of canned cherries which were misbranded. The article was labeled in part: (Can) "Checker Brand Water Pack Sour Pitted Red Cherries * * * Contents 1 Lb. 5 Oz. Packed by Webster Canning And Preserving Co., Webster, N.Y."

It was alleged in the information that the article was misbranded in that the statement "Contents 1 Lb. 5 Oz.", borne on the can label, was false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since each of a large number of the cans contained less than 1 pound 5 ounces of cherries.

On April 9, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

22090. Misbranding of cottonseed meal. U. S. v. Texas Refining Co. Plea of guilty. Fine, \$400. (F. & D. no. 30245. Sample nos. 19811-A, 19818-A.)

This case was based on two interstate shipments of cottonseed meal, one of which was short weight and the other of which was found to contain less protein than declared on the label.

On September 9, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Texas Refining Co., a corporation, Greenville, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 17 and September 14, 1932, from the State of Texas into the State of Kansas, of two shipments of cottonseed meal which was misbranded. The article was labeled in part: (Tag) "Interstate Brand 43% Protein Cotton Seed Cake & Meal Prime Quality Guaranteed Analysis 100 Pounds Net Protein not less than 43%. Made For Interstate Feed Company Fort Worth Texas."

It was alleged in the information that the article was misbranded in that the statements "43% Protein * * * Guaranteed Analysis * * * Protein, not less than 43%", with respect to the product in one shipment, and the statement "100 Pounds Net", with respect to the product in the second shipment, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since in the former the product contained less than 43 percent of protein and in the latter the sacks contained less than 100 pounds of the article.

On February 12, 1934, the defendant company entered a plea of guilty, and the court imposed a fine of \$400.

M. L. WILSON, *Acting Secretary of Agriculture.*

22091. Misbranding of cottonseed screenings. U. S. v. Feeders Supply & Manufacturing Co. Tried to the court. Judgment of guilty. Fine, \$2 and costs. (F. & D. no. 30254. Sample nos. 19817-A, 19823-A.)

This case was based on interstate shipments of cottonseed screenings which contained less protein than declared on the label.

On September 15, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Feeders Supply & Manufacturing Co., a corporation, Kansas City, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 19 and November 22, 1932, from the State of Missouri into the State of Kansas, of quantities of cottonseed screenings which were misbranded. The article was labeled in part: (Tag) "Equity Brand Cottonseed Cake & Meal Guaranteed Analysis Protein not less than 43%. * * * Manufactured For Feeders Supply & Mfg. Co., * * * Kansas City, Mo."

It was alleged in the information that the article was misbranded in that the statement, "Guaranteed Analysis Protein not less than 43%", borne on the tag, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On April 3, 1934, the case came on for trial before the court without a jury. Evidence was introduced by the defendant. No Government witnesses were called it having been stipulated that the evidence of the Government inspector and analyst would agree with the affidavits on file in the case. On April 4, 1934, the trial was concluded, and the defendant was pronounced guilty and sentenced to pay a fine of \$2 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22092. Adulteration and misbranding of butter. U. S. v. Alva O. Weis and Charles Weis (Dixie Maid Creamery Co.). Plea of guilty. Fine, \$75. (F. & D. no. 30279. Sample no. 28719-A.)

This case was based on a shipment of butter which was low in milk fat and which was short weight.

On October 5, 1933, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Alva O. Weis and Charles Weis, a partnership trading as Dixie Maid Creamery Co., Milford, Ill., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about January 6, 1933, from the State of Illinois into the State of Indiana, of a quantity of butter which adulterated and misbranded. The article was labeled in part: (Carton) "Gold Medal Butter Put Up Expressly For Calumet Products Co. Hammond, Indiana * * * One Pound Net."

It was alleged in the information that the article was adulterated in that a product deficient in milk fat, in that it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Butter" and "One Pound Net", borne on the label, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it did not comply with the requirements of the law defining butter, and since the cartons contained less than 1 pound net. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On March 3, 1934, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$75.

M. L. WILSON, *Acting Secretary of Agriculture.*

22093. Misbranding of canned spaghetti and canned cherries. U. S. v. Otoe Food Products Co. Plea of nolo contendere. Fine, \$25. (F. & D. no. 30304. Sample nos. 2151-A, 2397-A.)

Samples of canned spaghetti and canned cherries taken from the shipments on which this case was based were found to contain less than the declared weight.

On January 12, 1934, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Otoe Food Products Co., a corporation, Nebraska

City, Nebr., alleging shipment by the said defendant, on or about August 17, 1931, from the State of Iowa to within and through the Judicial District of Nebraska, into the State of Colorado, and on or about March 3, 1932, from the State of Nebraska into the State of New Mexico, of quantities of canned spaghetti and canned cherries, respectively, which were misbranded. The articles were labeled in part: "Lone Brook Brand Spaghetti Contents 1 Lb. * * * Packed by Hamburg Canning Co., Hamburg, Iowa." and "Net Weight 1 Lb. 5 Oz. * * * Natures Best Otoe Brand Pitted Red Cherries Packed by Otoe Food Products Co., Nebraska City, Nebr."

It was alleged in the information that the articles were misbranded in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement, "Contents 1 Lb." with respect to the canned spaghetti, and the statement, "Net Weight 1 Lb. 5 Oz." with respect to the canned cherries, were incorrect, a large number of the cans in each of the shipments having been found to contain less than the declared amount.

On March 29, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22094. Adulteration and misbranding of butter. U. S. v. Joe S. McIlhaney (McIlhaney Creamery Co.). Plea of guilty. Fine, \$25. (F. & D. no. 30320. I. S. no. 32207.)

Samples of butter taken from the shipment involved in this case were found to be low in milk fat and to be short weight.

On October 31, 1933, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joe S. McIlhaney, trading as McIlhaney Creamery Co., Lubbock, Tex., alleging that on or about January 26, 1932, the defendant had delivered to an agent for shipment in interstate commerce, from El Paso, Tex., to La Cruces, N. Mex., a quantity of butter which was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "McIlhaney's Creamery Butter * * * McIlhaney Creamery Co., Lubbock Texas, One Pound Net."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Butter" and "One Pound Net" borne on the cartons, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it did not comply with the requirements of the law defining butter, and since each of a number of the cartons contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 5, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22095. Adulteration and misbranding of butter. U. S. v. Sugar Creek Creamery Co. Plea of guilty. Fine, \$100. (F. & D. no. 30323. Sample no. 33402-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On December 13, 1933, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sugar Creek Creamery Co., a corporation, trading at Pana, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 29, 1932, from the State of Illinois into the State of Pennsylvania, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Cartons) "Sugar Creek Butter Sugar Creek Creamery Co. General Offices Danville, Ill."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substi-

tuted for butter, a product which must contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement "Butter" borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not butter as defined by law.

On February 28, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

22096. Adulteration of dried figs. U. S. v. James G. Vagim (J. G. Vagim Packing Co.). Plea of guilty. Fine, \$25. (F. & D. no. 30342. Sample no. 1680-A.)

This case was based on an interstate shipment of dried figs which were found to be in part insect-infested, moldy, and smutty.

On January 29, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James G. Vagim, trading as the J. G. Vagim Packing Co., Fresno, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 9, 1932, from the State of California into the State of Washington, of a quantity of dried figs which were adulterated. The article was labeled in part: "Choice Black Mission Figs Vagim Packing Co., Fresno, California."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed and filthy vegetable and animal substance.

On April 9, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22097. Adulteration of crab meat. U. S. v. 65 Pounds of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30771. Sample no. 48455-A.)

On July 6, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 65 pounds of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about July 6, 1933, by J. H. Fleming Co., from Portsmouth, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted of a filthy animal substance.

On August 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22098. Adulteration of dry-pack shrimp. U. S. v. 500 Cartons of Dry-Pack Shrimp. Decree of condemnation. Product released under bond. (F. & D. no. 31215. Sample no. 46864-A.)

This case involved a shipment of dry-pack shrimp which was found to be in part decomposed.

On October 5, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 500 cartons of dry-pack shrimp at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 19, 1933, by Robinson Canning Co., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On March 8, 1934, the Robinson Canning Co., Inc., claimant, having admitted the allegations of the libel and having executed a good and sufficient bond to insure compliance with the orders of the court, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant for separation and destruction of the decomposed portion.

M. L. WILSON, *Acting Secretary of Agriculture.*

22099. Adulteration of crab apples. U. S. v. 75 Bushels of Crab Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31245. Sample no. 46068-A.)

This case involved a shipment of crab apples which were found to bear arsenic in an amount which might have rendered them injurious to health.

On September 15, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 bushels of crab apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 7, 1933, by Otto Kelder, from South Haven, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, in an amount which might have rendered it harmful to health.

On October 9, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22100. Adulteration of dried pinto beans. U. S. v. 600 Bags of Dried Pinto Beans. Product adjudged adulterated. Released under bond for separation and destruction of unfit portion. (F. & D. no. 31285. Sample no. 59102-A.)

This case involved a shipment of pinto beans which were in part insect-infested.

On October 26, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 bags of dried pinto beans at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about October 12, 1933, by the Denver Elevator Co., from Denver, Colo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 24, 1934, Sinsheimer & Co., claimant, having admitted the material allegations of the libel, a decree was entered finding the product adulterated and ordering its release to the claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned that the adulterated portion be separated from the remainder and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22101. Adulteration and misbranding of dry-pack shrimp. U. S. v. 250 Cases and 50 Cases of Dry-Pack Shrimp. Decree of condemnation. Product released under bond. (F. & D. no. 31295. Sample nos. 38515-A, 38516-A.)

These cases involved a shipment of dry-pack shrimp which was found to be in part decomposed. A portion of the product was falsely labeled as to the name of the manufacturer and place of manufacture.

On October 31, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of dry-pack shrimp at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 23, 1933, by the Dunbar-Dukate Co., from New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled: "Pretty Pink Brand Shrimp Dry Pack * * * Packed by Alabama Canning Co., Bayou Labatre, Ala." The remainder was labeled: "Magnolia Brand Shrimp Dry Pack * * * Distributed by G. W. Dunbars Sons Branch Dunbar Dukate Co., Inc., New Orleans."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

Misbranding was alleged with respect to a portion of the article for the reason that the statement on the label, "Packed by Alabama Canning Co., Bayou Labatre, Ala.", was false and misleading and deceived and misled the purchaser, since the article was packed by the Gulf Coast Canneries, Biloxi, Miss.

On March 8, 1934, the Robinson Canning Co., Inc., claimant, having admitted the allegations of the libel and having executed a good and sufficient bond to

insure compliance with the orders of the court, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant for separation and destruction of the decomposed portion and proper relabeling of the remainder.

M. L. WILSON, *Acting Secretary of Agriculture.*

22102. Adulteration and misbranding of concentrated apricot. U. S. v. International Extract and Research Laboratories. Plea of guilty. Fine, \$400. (F. & D. no. 31331. Sample no. 5924-A.)

This case was based on a shipment of a product intended to be used as a flavoring extract and represented to consist of highly concentrated apricot. Analysis showed that the article was an artificially colored and flavored imitation product containing little, if any, fruit.

On January 23, 1934, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the International Extract and Research Laboratories, a corporation, Detroit, Mich., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 22, 1932, from the State of Michigan into the State of Ohio, of a quantity of concentrated apricot which was adulterated and misbranded. The article was labeled in part: (Bottle) "Highly Concentrated Apricot for Culinary Use Only * * * International Extract and Research Laboratories, Detroit."

It was alleged in the information that the article was adulterated in that an artificially flavored and artificially colored solution deficient in apricot had been substituted for highly concentrated apricot. Adulteration was alleged for the further reason that the article had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement "Highly Concentrated Apricot" was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On April 9, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$400.

M. L. WILSON, *Acting Secretary of Agriculture.*

22103. Adulteration and misbranding of frozen whole eggs. U. S. v. Harry B. Werner and Max Greenberg (Werner Poultry Co.). Pleas of guilty. Fine, \$25. (F. & D. no. 31341. Sample no. 33757-A.)

This case was based on a shipment of frozen whole eggs which were found to be in part sour, musty, putrid, or otherwise inedible. The containers of the article failed to bear a statement of the quantity of the contents.

On February 12, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harry B. Werner and Max Greenberg, copartners, trading as the Werner Poultry Co., Minneapolis, Minn., alleging shipment by said defendants on or about November 5, 1932, from the State of Minnesota into the State of Illinois, of a quantity of frozen whole eggs which were adulterated and misbranded. The article was labeled in part: "From The Werner Poultry Co. Greenberg & Werner, Copartners. * * * Minneapolis, Minn."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 13, 1934, the defendants entered pleas of guilty, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22104. Misbranding of cottonseed meal and cake. U. S. v. Farmers Cotton Seed Products Co., Inc. Plea of guilty. Fine, \$50. (F. & D. No. 31353. Sample nos. 16956-A, 16958-A.)

This case was based on shipments of cottonseed meal and cake which were found to contain less than 28 percent of protein, the amount declared on the labels.

On December 30, 1933, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Farmers Cotton Seed Products Co.,

Inc., a corporation, Bartlett, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 11 and August 31, 1932, from the State of Texas into the State of Missouri, of quantities of cottonseed meal and cake which were misbranded. The cake was labeled in part: "Interstate Brand * * * Guaranteed Analysis Protein, not less than 28% * * * Made for Interstate Feed Company, Ft. Worth, Texas." The meal was labeled in part: "Guaranteed Analysis Protein, not less than 28% * * * Manufactured for Choctaw Sales Company * * * Kansas City, Missouri Choctaw Prime Coldpressed Flake."

It was alleged in the information that the articles were misbranded in that the statement, "Guaranteed Analysis Protein, not less than 28%", borne on the tags attached to the sacks, was false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since they contained less than 28 percent of protein.

On January 23, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22105. Adulteration of apples. U. S. v. Arthur Lanear Ostrander (A. L. Ostrander Fruit Co.). Plea of guilty. Fine, \$20. (F. & D. no. 31370. Sample no. 31256-A.)

This case was based on an interstate shipment of apples which were found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On January 23, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Arthur Lanear Ostrander, trading as A. L. Ostrander Fruit Co., Yakima, Wash., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about February 23, 1933, from the State of Washington into the State of Montana, of a quantity of apples which were adulterated. The article was labeled in part: "North-Wind Brand Apples Grown and Packed By A. L. Ostrander Fruit Co. Yakima, Wash."

It was alleged in the information that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it dangerous to health.

On February 26, 1934, a plea of guilty was entered by the defendant, and the court imposed a fine of \$20.

M. L. WILSON, *Acting Secretary of Agriculture.*

22106. Adulteration and misbranding of frozen eggs. U. S. v. Omaha Cold Storage Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 31372. Sample no. 15970-A.)

This case was based on a shipment of frozen eggs which were in part decomposed and which were not labeled with a statement of the quantity of the contents.

On January 18, 1934, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Omaha Cold Storage Co., a corporation, Omaha, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about October 25, 1932, from the State of Nebraska into the State of Maryland, of a quantity of frozen eggs which were adulterated and misbranded. The article was labeled, "Whole Eggs."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a decomposed and putrid animal substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22107. Adulteration of canned pumpkin. U. S. v. Wm. Laning & Son Co. Plea of guilty. Fine, \$400. (F. & D. no. 31378. Sample nos. 20365-A, 22444-A, 33455-A.)

Sample cans of pumpkin taken from the shipments involved in this case were found to be unsterile and sour.

On January 23, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the dis-

district court an information against Wm. Laning & Son Co., a corporation, Bridgeton, N.J., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 21, April 22, September 28, and December 9, 1932, from the State of New Jersey in part into the State of Pennsylvania and in part into the State of Maryland, of quantities of canned pumpkin which was adulterated. The article was labeled in part: "Silver Lake Brand Fancy Pumpkin * * * Packed by Wm. Laning & Son Co., Bridgeton, N.J."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On February 19, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$400.

M. L. WILSON, *Acting Secretary of Agriculture.*

22108. Adulteration of canned cold-pack strawberries. U. S. v. Samuel A. Moffett (S. A. Moffett Co.). Plea of guilty. Fine, \$50. (F. & D. no. 31388. Sample no. 24322-A.)

This case was based on a shipment of canned cold-pack strawberries which were found to be in part decomposed.

On February 5, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Samuel A. Moffett, trading as S. A. Moffett Co., Seattle, Wash., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about August 23, 1932, from the State of Washington into the State of California, of a quantity of canned cold-pack strawberries which were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On March 5, 1934, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22109. Adulteration of tomato paste. U. S. v. Italian Food Products Co., Inc. Plea of guilty. Fine, \$200. (F. & D. no. 31405. Sample no. 21520-A.)

This case was based on a shipment of tomato paste which contained excessive mold.

On March 1, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Italian Food Products Co., Inc., Long Beach, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 25, 1933, from the State of California into the State of New York, of a quantity of tomato paste which was adulterated. The article was labeled in part: "Norma Brand Tomato Paste * * * Packed in California Expressly for Norma Packing Co., New York, N.Y."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On March 12, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

22110. Adulteration of canned tomato puree. U. S. v. North East Preserving Works, Inc. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. no. 31479. Sample no. 34633-A.)

This case was based on a shipment of canned tomato puree which was found to contain excessive mold.

On February 5, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the North East Preserving Works, Inc., North East, Pa., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 28, 1932, from the State of Pennsylvania into the State of New York, of a quantity of tomato puree which was adulterated. The article was labeled in part: (Can) "Sunlight Brand * * * Packed by North East Preserving Works, Inc., North East, Pa., Tomato Puree."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On March 2, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22111. Adulteration of canned tomato ketchup. U. S. v. 80 Cases of Tomato Ketchup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31547. Sample no. 54325-A.)

This case involved a shipment of canned tomato ketchup which was found to contain excessive mold.

On November 6, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 cases of tomato ketchup at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 19, 1933, by B. T. Branham & Co., from Front Royal, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Green Valley Brand Whole Tomato Ketchup * * * Packed by B. T. Branham & Co., Front Royal, Va."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On February 23, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22112. Adulteration of canned shrimp. U. S. v. 100 Cases, et al., of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31597. Sample nos. 37390-A to 37393-A.)

This case involved quantities of canned shrimp which was found to be in part decomposed.

On November 16, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 775 cases of canned shrimp, in part at Tacoma, Wash., and in part at Yakima, Wash., alleging that the article had been shipped in interstate commerce on or about September 1, 1933, by the Gulf Coast Products Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gulf Coast Brand Shrimp * * * Packed by Gulf Coast Products Co., Inc., Point-A-La-Hache, La."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On March 13, 1934, default was entered and it was ordered by the court that the product be condemned, forfeited, and destroyed and that costs be assessed against the claimant, the Gravelot Packing Co.

M. L. WILSON, *Acting Secretary of Agriculture.*

22113. Misbranding of salad oil. U. S. v. 16 Cans and 21 Cans of Salad Oil. Default decree of condemnation and forfeiture. Product delivered to relief agency. (F. & D. no. 31598. Sample nos. 51341-A, 51342-A.)

This case involved a product labeled to convey the impression that it consisted of olive oil of foreign origin. Examination showed that the article consisted principally of domestic cottonseed oil, and that the cans were short of the declared volume.

On November 17, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cans of salad oil at West New York, N.J., alleging that the article had been shipped in interstate commerce, on or about October 25, 1933, by the Hoffman Oil Co., from Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that the statement, "La Vergine Brand Finest Quality Oil Lucca", and the picture of an olive tree and a woman bearing a pitcher of olive oil, appearing on the label of a portion of the article, and the statement, "Olio Puro Prima Qualita Conte Di Savoia Brand Lucca", together with designs of olive branches and a crown, appearing on the labeling of the remainder, were false and misleading and deceived and misled the purchaser, since they implied that the article was pure olive oil, whereas it consisted in large part of cottonseed oil. Misbranding was alleged for the further reason that the statements on the respective labels, "Net Contents One Gallon" and "Net Contents 1 Gallon", were false and misleading and deceived and misled the purchaser; for the further reason that the article purported to be a foreign product, whereas it consisted in large

part of domestic cottonseed oil, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On February 21, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a relief agency.

M. L. WILSON, *Acting Secretary of Agriculture.*

22114. Adulteration of canned tomatoes. U. S. v. 795 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 31604, 31631. Sample no. 46769-A.)

This case involved a shipment of canned tomatoes which were found to contain insect larvae.

On November 25, 1933, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 795 cases of canned tomatoes in part at Houston, Tex., and in part at College Station, Tex., alleging that the article had been shipped in interstate commerce, on or about October 14, 1933, by A. W. Sisk & Son, from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Red-Glo Brand Tomatoes * * * Albert W. Sisk & Son, Distributors, Preston, Md."

It was alleged in the libel that the article was adulterated in that it contained insect larvae.

On March 19, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22115. Adulteration of canned shrimp. U. S. v. 428 Cases of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 31634. Sample no. 51808-A.)

This case involved a shipment of canned shrimp which was found to be in part decomposed.

On November 27, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 428 cases of canned shrimp at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about October 11, 1933, by L. P. Maggioni & Co., from Savannah, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mermaid Brand Shrimp * * * Packed by L. P. Maggioni & Co., * * * Savannah, Ga."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On March 9, 1934, L. P. Maggioni & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be examined under the supervision of this Department and the decomposed portion destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22116. Adulteration of butter. U. S. v. 9 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 31651. Sample no. 51902-A.)

This case involved a shipment of butter which contained less than 80 percent of milk fat.

On November 9, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about October 21, 1933, by the Nebraska Cooperative Creamery, Inc., from Omaha, Nebr., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for

butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On March 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

22117. Misbranding of stock feed. U. S. v. 90 Bags and 68 Bags of Stock Feed. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31660, 31661. Sample nos. 14141-A, 14142-A.)

These cases involved shipments of stock feed which contained less protein and more fiber than declared on the label.

On or about December 2, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 158 bags of stock feed, in part at Elkton, Md., and in part at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about September 13 and September 28, 1933, by A. Overholt & Co., from Broad Ford, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Overco Stock Feed Manufactured and Packed by A. Overholt & Co., Broad Ford, Pa., * * * Protein 18.00 Fat * * * Fibre 16.58."

It was alleged in the libels that the article was misbranded in that the statements on the tags, "Protein 18.00" and "Fibre 16.58", were false and misleading and deceived and misled the purchaser, since the article contained less than 18 percent of protein and more than 16.58 per cent of fiber.

On March 9, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22118. Adulteration of apple pomace. U. S. v. 671 Bags of Apple Pomace. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31717. Sample no. 59618-A.)

This case involved a shipment of apple pomace which contained arsenic trioxide and lead in amounts which might have rendered it injurious to health.

On December 14, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 671 bags of apple pomace at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about October 20, 1933, by the Duffy-Mott Co., Inc., from Voorheesville, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic trioxide and lead, which might have rendered it harmful to health.

On January 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22119. Adulteration of canned shrimp. U. S. v. 300 Cases of Canned Shrimp. Default decree of forfeiture and destruction. (F. & D. no. 31761. Sample no. 58049-A.)

This case involved a shipment of canned shrimp which was found to be in part decomposed.

On December 22, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of canned shrimp at Salem, Mass., alleging that the article had been shipped in interstate commerce, on or about October 7, 1933, by Dorgan, McPhillips Packing Corporation, of Mobile, Ala., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Little Chief Brand Shrimp Wet Pack * * * Distributed by Dorgan, McPhillips Packing Corp., Executive Offices Mobile, Alabama."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On March 12, 1934, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22120. Adulteration of candy. U. S. v. 9 Pounds and 21 Boxes of Candy. Default decrees of condemnation. (F. & D. nos. 31773, 31791. Sample nos. 54469-A, 54470-A.)

These cases involved shipments of candy which contained alcohol.

On December 22 and December 28, 1933, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 9 pounds and 21 boxes of candy at Washington, D.C., alleging that the article had been shipped from Baltimore, Md., into the District of Columbia; that a portion had been shipped under the name of M. Fineblum on or about November 21, 1933, that a portion had been shipped under the name of the M. Fineblum Candy & Tobacco Co., on or about December 2, 1933, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part "Mlle Modiste Confiseur Rue St. Honore, Paris."

It was alleged in the libels that the article was adulterated under the provisions of the act relating to confectionery in that it contained spirituous liquor, namely, alcohol.

On March 22, 1934, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be disposed of by the United States marshal in such manner as would not violate the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22121. Adulteration of canned huckleberries. U. S. v. 97 Cases of Canned Huckleberries. Default decree of condemnation. (F. & D. no. 31774. Sample no. 54467-A.)

This case involved a shipment of canned huckleberries which were found to contain maggots.

On December 22, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 97 cases of canned huckleberries at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about October 2, 1933, by the Comly Flanigen Co., from Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lyric Brand Huckleberries."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On March 26, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be disposed of by the United States marshal in such manner as would not violate the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22122. Adulteration of ladled butter. U. S. v. 65 Tubs of Butter. Default decree of condemnation. (F. & D. no. 31787. Sample nos. 54471-A, 54472-A.)

This case involved a shipment of ladled butter which was found to contain mold, maggots, flies, hairs, larvae, excreta, and other extraneous matter in samples examined.

On December 28, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 65 tubs of butter at Washington, D.C., alleging that the article had been shipped in interstate commerce, on or about June 28, 1933, by the J. W. Buffington Co., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "No. 1 Ladles 65 Lbs. The J. W. Buffington Co. Baltimore."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy and decomposed animal substance.

On March 22, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be disposed of by the United States marshal in such manner as would not violate the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22123. Adulteration of dried peaches. U. S. v. 100 Cases of Dried Peaches. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31813-A. Sample no. 45167-A.)

This case involved a shipment of dried peaches which were in part insect-infested and dirty.

On January 5, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 100 cases of dried peaches at Washington, D.C., alleging that the article had been shipped in interstate commerce, on or about December 4, 1933, by Rosenberg Bros. & Co., of San Francisco, Calif., from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Approval Brand California Recleaned Fancy Peaches."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On March 19, 1934, Rosenberg Bros. & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

22124. Adulteration of butter. U. S. v. 5 Kegs of Butter. Default decree of condemnation. (F. & D. no. 31814. Sample no. 54475-A.)

This case was based on a lot of butter which was found to contain parts of flies, larvae and eggs of flies, rodent hairs, mold, and other filth.

On January 5, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of five kegs of butter at Washington, D.C., alleging that the article was in possession of the Terminal Refrigerating & Warehousing Corporation, Washington, D.C., stored for Morris Bressler, of Washington, D.C., that it was being offered for sale in the District of Columbia, and that it was adulterated in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy and decomposed animal substance.

On March 22, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be disposed of by the United States marshal in such manner as would not violate the provisions of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22125. Adulteration of canned apple butter. U. S. v. 246 Cases of Canned Apple Butter. Default decree of destruction. (F. & D. no. 31817. Sample no. 50488-A.)

This case involved a shipment of canned apple butter which was found to contain segments of the bodies of insects, insect larvae, rodent hairs, and mold.

On or about January 12, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 246 cases of canned apple butter at Columbus, Ohio, consigned about October 9 and October 14, 1933, alleging that the article had been shipped in interstate commerce by the Webster Canning & Preserving Co., from Webster, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "New York State Products Pure Apple Butter * * * Packed by Webster Canning & Preserving Co., Webster, N.Y."

It was alleged in substance in the libel that the article was adulterated in that it consisted in part of a filthy substance.

On March 9, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22126. Misbranding of canned tomatoes. U. S. v. 446 Cartons of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31830. Sample nos. 51815-A 51956-A.)

This case involved a shipment of canned tomatoes which contained excessive peel and which were not labeled to indicate that they were substandard.

On January 10, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 446 cartons of canned tomatoes at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about September 12, 1933, from Clayton, Del., by Thomas Roberts & Co., of Philadelphia, Pa. (manufacturer, W. Lee Wheatley, Clayton, Del.), and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Matawan Brand Tomatoes."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because of excessive peel and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On March 6, 1934, Walter L. Wheatley, agent for the owner, R. C. Williams & Co., having filed a claim for the property, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22127. Adulteration of canned cherries. U. S. v. 50 Cases of Cherries. Default decree of destruction. (F. & D. no. 31832. Sample no. 59202-A.)

This case involved a shipment of canned cherries which were found to contain maggots.

On January 12, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of cherries at Joplin, Mo., alleging that the article had been shipped in interstate commerce, on or about November 8, 1933, by the Paulus Bros. Packing Co., from Salem, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Jack Sprat Brand Royal Anne Cherries, * * * Packed for Jack Sprat Foods, Inc., Marshalltown, Iowa."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On March 21, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22128. Adulteration of butter. U. S. v. 47 Tubs of Butter. Default decree of condemnation. (F. & D. no. 31833. Sample nos. 54478-A, 54479-A.)

A sample of butter taken from the product involved in this case was found to contain mold, ants, a maggot, rodent and other hairs, a cockroach, segments of the bodies of flies and roaches, metallic filings, and other foreign substances.

On January 10, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 47 tubs of butter at Washington, D.C., alleging that the article was in possession of the Terminal Refrigerating & Warehousing Corporation, Washington, D.C. (stored for M. Holzbeierlein, Washington, D.C.), and was being offered for sale in the District of Columbia, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy and decomposed animal substance.

On March 21, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be disposed of by the United States marshal in such manner as would not violate the provisions of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22129. Adulteration of butter. U. S. v. 20 Tubs of Butter. Default decree of condemnation. (F. & D. no. 31834. Sample no. 54480-A.)

This case involved a lot of butter which was found to contain mold, fragments of beetles and flies, rodent and cat hairs, and other filth.

On January 11, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 20 tubs of butter at Washington, D.C., alleging that the article was in possession of the Terminal Refrigerating & Warehousing Corporation (stored for Chestnut Farms Dairy, Washington, D.C.), and was being offered for sale in the District of Columbia, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy and decomposed animal substance.

On March 22, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be disposed of by the United States marshal in such manner as would not violate the provisions of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22130. Adulteration of candy. U. S. v. 84 Boxes, et al., of Candy. Default decree of destruction. (F. & D. no. 31845. Sample nos. 57992-A, 57993-A, 57994-A.)

This case involved an interstate shipment of candy which was found to contain alcohol.

On January 17, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 94 boxes of candy at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about December 23, 1933, by F. Herbert, from Bronx, N.Y., and charging adulteration in violation of the Food and Drugs Act.

The article was labeled, variously: "Mademoiselle Modiste Confiseur Rue St. Honore"; "Mlle Modiste Confiseur Rue St. Honore Paris"; "Palais Royal Confiserie Moderne Rue Rivoli Paris."

It was alleged in the libel that the article was adulterated in violation of the provision of the act relating to confectionery in that it contained spirituous liquor.

On March 5, 1934, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22131. Adulteration of evaporated apple chops. U. S. v. 44 Bags of Evaporated Apple Chops. Default decree of destruction. (F. & D. no. 31865. Sample no. 50557-A.)

This case involved a shipment of evaporated apple chops which were insect-infested, decomposed, and dirty.

On January 19, 1934, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court, a libel praying seizure and condemnation of 44 bags of evaporated apple chops at Louisville, Ky., alleging that the articles had been shipped in interstate commerce on or about January 3, 1934, by D. H. Wright & Co., from Medina, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of filthy and decomposed vegetable substance.

On March 12, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22132. Adulteration of olives. U. S. v. 22 Cases of Olives. Default decree of forfeiture and destruction. (F. & D. no. 31869. Sample nos. 58111-A, 58113-A.)

This case involved a shipment of olives which were found to be in part wormy.

On January 22, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cases of olives at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about November 4, 1933, by B. M. Reeves Co., Inc., from Brooklyn, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Peerless Olives * * * Packed by Peerless Packing Co., Brooklyn, New York."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On March 5, 1934, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22133. Adulteration and misbranding of candy. U. S. v. 19 Boxes and 19 Boxes of Candy. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31874. Sample nos. 65944-A, 65945-A.)

This case involved a shipment of candy which contained alcohol and which was also short weight.

On January 24, 1934, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 boxes of candy at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce, on or about December 21, 1933, by Beer Distributors, Inc., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Bourbon [or "Assorted Flavors Creme De Menthe Peach Kummel"] One Pound Net."

It was alleged in the libel that the article was adulterated under the provisions of the law relating to confectionery, in that it contained spirituous liquor.

Misbranding was alleged under the provisions of the law relating to food in that the statement on the labels, "One Pound Net", was false and misleading, and deceived and misled the purchaser, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On March 13, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22134. Adulteration of butter. U. S. v. 13 Cartons and 27 Prints of Butter. Default decree of condemnation. (F. & D. no. 31882. Sample no. 54554-A.)

This case involved a shipment of butter which was found to contain mold, rodent hairs, fragments of feathers, pieces of flies, and other filth.

On January 24, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 13 cartons each containing thirty-two 1-pound prints and twenty-seven 1-pound prints of butter, at Washington, D.C., alleging that the article had been shipped in interstate commerce, on or about January 18, 1934, by F. M. Stamper Co., from Moberly, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy and decomposed animal substance.

On March 22, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be disposed of by the United States marshal in such manner as would not violate the provisions of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22135. Adulteration and misbranding of candy. U. S. v. 9 Boxes, et al., of Candy. Default decree of destruction. (F. & D. nos. 31920, 31921. Sample nos. 41229⁴A, to 41232-A, incl., 56516-A, 56517-A, 56518-A.)

This case involved various shipments of confectionery which was found to contain alcohol. Portions of the article were labeled, "Not a Confection", in an attempted disclaimer of responsibility for the shipment of confectionery containing alcohol.

On February 1, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 468 boxes of candy at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, in part by the Berkshire Co., from Chicago, Ill., between the dates of December 21, 1933, and January 15, 1934, and in part by the Schulze Candy Co., from Oak Park, Ill., on or about January 16, 1934, and charging that the article was adulterated and that portions were also misbranded in violation of the Food and Drugs Act. Portions of the article were labeled: "Napoleon Cordials * * * Cordial * * * Not a Confection"; "Chokicks Cordial (Not a Confection)"; "Renaissance Confiserie * * * Liqueur Chocolat * * * Cordials Cordial (Not a Confection)."

It was alleged in the libel that the article was adulterated under the provisions of the law relating to confectionery in that it contained spirituous liquor.

Misbranding was alleged with respect to portions of the article for the reason that the statements, "Cordial * * * Not a Confection" or "Cordial (Not a Confection)", were false and misleading and deceived and misled the purchaser.

On or about March 16, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22136. Misbranding of salad oil. U. S. v. 105 Cans of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31926. Sample nos. 51969-A, 51970-A.)

This case involved two lots of oil labeled to convey the impression that it consisted of olive oil of foreign origin. Examination of the article showed that it consisted principally of cottonseed oil with color, taste, and odor suggesting artificial olive flavor, also that the cans contained less than the declared volume.

On January 31, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 105 cans of salad oil at Newark, N.J., alleging that the article had been shipped in interstate commerce on or about January 15, 1934, by Umbert Turco, from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that the following statements and designs appearing on the labels were false and misleading and deceived and misled the purchaser, since the product consisted in large part of refined cottonseed oil, and since the cans contained less than 1 gallon: (Labeling of portion) "Italian Produce Sublime Olive Oil Imported by Acoma Fo Net Contents One Gallon * * * The Olive Oil contained in this can is pressed from fresh picked high grown fruit * * * and guaranteed to be absolutely pure under any chemical analysis Imported from Italy [design of shield bearing a crown]"; (labeling of remainder) "Italian Product Virgin Olive Oil Imported Net Contents One Gallon This imported olive oil is guaranteed to be absolutely pure under chemical analysis Imported from Italy [also design of olive branches]." Misbranding was alleged for the further reason that the article purported to be a foreign product when not so; for the further reason that it was offered for sale under the distinctive name of another article, namely, olive oil; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On March 1, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22137. Misbranding of canned tomatoes. U. S. v. 800 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31930. Sample no. 51468-A.)

This case involved a shipment of canned tomatoes which contained excessive peel, and which were not labeled to indicate that they were substandard.

On February 1, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 800 cases of canned tomatoes at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about September 8 and September 22, 1933, by Thomas Roberts & Co., from Harrington, Del., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Q and E Tomatoes * * * Thrasher, Churchill & Rothrock Distributors Philadelphia, Pa."

It was alleged in the libel that the article was misbranded in that it was canned food, and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because of the presence of excess peel, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

Thos. Roberts & Co. filed a claim for the property as agent for L. Oppenheimer, Inc., New York, N.Y., admitted the allegations of the libel, and consented to the entry of a decree. On March 6, 1934, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22138. Misbranding of salad oil. U. S. v. 25 Cans of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31936. Sample no. 52145-A.)

This case involved a lot of salad oil labeled to convey the impression that it was imported olive oil, but which was found to consist principally of domestic cottonseed oil.

On February 5, 1934, the United States attorney for the District of New Jersey acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cans of salad oil at Harrison, N.J., alleging that the article had been shipped in interstate commerce, on or about November 6, 1933, by the Import Oil Corporation, from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Samaritana Brand Oil Tipo Lucca * * * Packed by Import Oil Corp."

It was alleged in the libel that the article was misbranded in that the statements, "Samaritana Brand Oil, Tipo Lucca * * * Packed by Import Oil Corp." together with the design of olive trees and a figure of a woman bearing a jar suggesting a jar of olive oil, appearing on the label, were false and misleading and deceived and misled the purchaser, since they created the impression that the article was imported olive oil, whereas it consisted largely of domestic cottonseed oil. Misbranding was alleged for the further reason that the article purported to be a foreign product, when not so.

On March 13, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22139. Adulteration and misbranding of olives. U. S. v. 99 Cases of Olives. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31937. Sample no. 65304-A.)

This case involved an interstate shipment of olives which were found to be in part wormy. Examination also showed that the article contained excessive brine; that the drained weight of the contents was less than the weight declared on the label; and that it was labeled to create a misleading impression as to the manufacturer.

On or about February 6, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cases of

olives at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 6, 1933, by John Magee & Co., from Saybrook, Conn., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Budlong Selected Olives, Budlong Pickle Co., Chicago, Ill. Selected Olives contents Three and one-fourth fluid ounces."

It was alleged in the libel that the article was adulterated in that excessive brine had been substituted in part for the article. Adulteration was alleged for the further reason that the article consisted in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the statements on the bottle label, "Budlong Pickle Co. * * * Three and one-fourth fluid ounces", were false and misleading and deceived and misled the purchaser, since they created the impression that the Budlong Pickle Co. was the packer of the product, whereas it was not so, and since the article was short of the declared weight. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On March 6, 1934, the Budlong Pickle Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entering of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the unfit portion be eliminated and the remainder washed, repacked, and relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22140. Adulteration of butter. U. S. v. 9 Cans of Butter. Default decree of condemnation and forfeiture. Product ordered sold as inedible grease. (F. & D. no. 31955. Sample no. 54373-A.)

This case involved a shipment of butter which was found to contain rodent and human hairs, paper, parts of insects, mold, and other filth.

On or about January 29, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cans of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about November 15, 1933, by S. Roberts Estate, from Milton W. Va., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From S. Roberts' Estate * * * Milton, W. Va."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On March 17, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal as inedible grease.

M. L. WILSON, *Acting Secretary of Agriculture.*

22141. Adulteration of olives. U. S. v. 23 Dozen Jars of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31964. Sample no. 52202-A.)

This case involved a shipment of olives which were found to be in part wormy.

On February 9, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 dozen jars of olives at Jersey City, N.J., alleging that the article had been shipped in interstate commerce, on or about December 6, 1933, by Mawer-Gulden Annis, Inc., from Brooklyn, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "La Sevillana Selected Spanish Olives * * * Mawer-Gulden-Annis, Inc. New York."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy vegetable substance.

On March 21, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22142. Adulteration of olives. U. S. v. 7 Cases of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31965. Sample no. 66920-A.)

This case involved a shipment of olives which were found to be in part wormy.

On February 9, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven cases of olives at Newark, N.J., alleging that the article had been shipped in interstate commerce, on or about December 27, 1933, by the San Jose Olive Co., Inc., from New York, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Jar) "San Jose Spanish Olives * * * Packed by San Jose Olive Co., Inc., New York, N.Y."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy vegetable substance.

On March 21, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22143. Misbranding of canned peaches. U. S. v. 39 Cases of Canned Peaches. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31972. Sample no. 66727-A.)

Sample cans of peaches taken from the shipments involved in this case were found to be short of the declared weight.

On February 20, 1934, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 cases of canned peaches at Casper, Wyo., alleging that the article had been shipped in interstate commerce from Oakland, Calif.; that a part had been shipped on or about August 29, 1933, by the California Packing Corporation; that the remainder had been shipped on or about January 2, 1934, by Libby, McNeill & Libby (invoiced by California Packing Corporation), and charging that the article was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Our Family Yellow Cling Peaches Halves Contents One Lb Fourteen Ozs Distributed Nash Finch Co Minneapolis Minn."

It was alleged in the libel that the article was misbranded in that it was labeled so as to deceive and mislead the purchaser, since it was labeled in part, "One Lb Fourteen Ozs", whereas the cans contained less than 1 pound 14 ounces of peaches. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and correctly stated on the outside of the packages.

On March 2, 1934, the Wyoming Grocery Co., Casper, Wyo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled so as to comply with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

22144. Misbranding of salad oil. U. S. v. 19 Cans of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31974. Sample no. 67406-A.)

This case involved a shipment of salad oil labeled to convey the impression that it was olive oil of foreign origin. Examination showed that it consisted chiefly of cottonseed oil, with some flavor of olive oil; also that the cans were short volume.

On February 13, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cans of salad oil at Newark, N.J., alleging that the article had been shipped in interstate commerce, on or about October 26, 1933, by Pietro Esposito & Bro., Inc., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that the statements, "La Gloriosa Brand", "Prize Awarded at Exhibition of Rome 1924", "Italy", "Olio Finissimo", the designs of a crown, olive branches and medal

carrying the Italian national colors, and the undue prominence given to the words "Lucca Olive Oil", in the statement, "Pure and Delicious Oil Composed of Eighty Five Percent Choice Salad Oil and Fifteen Percent Lucca Olive Oil", all of which appeared on the label of the product, were misleading and deceived and misled the purchaser, since the label created the impression that the article was Italian olive oil, whereas it consisted chiefly of domestic cottonseed oil. Misbranding was alleged for the further reason that the statement on the label, "One Gallon Net", was false and misleading and deceived and misled the purchaser; for the further reason that the article purported to be a foreign product when not so; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On March 21, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22145. Adulteration of evaporated apples. U. S. v. 9½ Cases and 30 Boxes of Evaporated Apples. Default decrees of destruction. (F. & D. nos. 31977, 31997. Sample nos. 49405-A, 49406-A.)

These cases involved shipments of evaporated apples, samples of which were found to be insect-infested, dirty, and decomposed.

On February 12 and February 19, 1934, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 9½ cases and 30 boxes of evaporated apples at Savannah, Ga., alleging that the article had been shipped in interstate commerce on or about January 2, 1934, by the Gilbert Apple Products Co., Inc., of Rochester, N.Y., from Brighton, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bake-Rite * * * Evaporated Apples Packed by Gilbert Apple Products Co., Inc., Rochester, N.Y."

It was alleged in the libels that the article was adulterated in that a portion consisted in part of a filthy and decomposed vegetable substance, and the remainder consisted wholly or in part of a filthy vegetable substance.

On March 24, 1934, no claimant having appeared for the property, judgments were entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22146. Adulteration of candy. U. S. v. 19 Boxes of Candy. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31981. Sample no. 62083-A.)

This case involved a shipment of candies, certain of the pieces containing a penny embedded in the candy and completely concealed.

On February 13, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 boxes of candy at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about January 28, 1934, by the Josephson Candy Co., Inc., from Long Island City, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "120 Count Pocketbook."

It was alleged in the libel that the article was adulterated under the provisions of the law relating to confectionery, in that it contained an ingredient deleterious or detrimental to health, namely, a copper cent. Adulteration under the provisions of the law relating to food was alleged for the reason that the article contained an added deleterious ingredient, namely, a copper cent, which might have rendered it injurious to health.

On March 27, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22147. Adulteration of confectionery. U. S. v. 96 Boxes of Confectionery. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31983. Sample no. 59249-A.)

This case involved a shipment of confectionery which contained alcohol.

On February 14, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 96 boxes of candy at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about December 8, 1933, by Beer Distributing (Distributors), Inc., from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cordials."

It was alleged in the libel that the article was adulterated in that it contained spirituous liquor.

On March 17, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22148. Misbranding of canned bean sprouts and canned vegetables. U. S. v. 18 Cases of Canned Bean Sprouts and 14 Cases of Canned Vegetables. Consent decrees of condemnation and forfeiture. Products released under bond for relabeling. (F. & D. nos. 31987, 31988. Sample nos. 66740-A, 66741-A.)

These cases involved canned bean sprouts and canned vegetables which were short weight.

On February 23, 1934, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 18 cases of canned bean sprouts and 14 cases of canned vegetables at Casper, Wyo., alleging that the articles had been shipped in interstate commerce, by the Morey Mercantile Co., from Denver, Colo., in part on or about August 31, 1933, and in part on or about October 31, 1933, and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "La Choy Bean Sprouts [or "Imported and Domestic Vegetables"] Contents Fifteen Ozs. La Choy Food Products Inc. Detroit Mich."

It was alleged in the libels that the articles were misbranded in that they were labeled so as to deceive and mislead the purchaser, since the cans were labeled "Fifteen Oz." and contained less than 15 ounces. Misbranding was alleged for the further reason that the articles were in package form and the quantity of the contents was not plainly and correctly stated on the outside of the packages.

On March 2, 1934, the Walter Schultz Co., Casper, Wyo., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the claimant upon payment of costs and the execution of bonds totaling \$200, conditioned that they be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22149. Adulteration and misbranding of butter. U. S. v. 6 Cases of Butter. Default decree of destruction. (F. & D. no. 32006. Sample no. 49411-A.)

This case involved an interstate shipment of butter which was short weight. A sample of the product was found to contain fragments of flies, rodent hairs, feathers, coal, sand, small splinters, a maggot, and other substances.

On February 6, 1934, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six 30-pound cases of butter at Savannah, Ga., alleging that the articles had been shipped in interstate commerce by the Cloverleaf Butter Co., from Birmingham, Ala., on or about January 28, 1934, and charging misbranding in violation of the Food and Drugs Act as amended. On February 26, 1934, the libel was amended to charge that the product was also adulterated. The article was labeled in part: "One Pound Net Cloverleaf Brand Process Butter Manufactured by Cloverleaf Butter Co. * * * Birmingham, Ala."

It was alleged in the libel as amended that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the statement, "1 lb. Net Wt.", was false and misleading, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than the declared weight.

On April 4, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22150. Adulteration and misbranding of fruit-flavored sirups. U. S. v. 177 Cases of Strawberry-Flavored Sirup, et al. Consent decree of condemnation and forfeiture. Products released under bond for relabeling. (F. & D. no. 32013. Sample nos. 66899-A, 66900-A, 66901-A.)

This case involved products represented to be fruit-flavored sirup, but which were found to consist of artificially flavored and colored imitations of fruit sirup.

On February 21, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 302 cases of strawberry-, grape-, and raspberry-flavored sirups at Hoboken, N. J., alleging that the articles had been shipped in interstate commerce on or about June 29, 1933, by the Snaider Syrup Corporation, from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "American House Strawberry [or "Grape" or "Raspberry"] flavored syrup * * * American Grocery Company Distributors Hoboken, N. J."

It was alleged in the libel that the articles were adulterated in that artificially flavored and colored imitation strawberry, grape, and raspberry sirups had been substituted for strawberry, grape, and raspberry sirups, which the articles purported to be. Adulteration was alleged for the further reason that the articles had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the following statements appearing on the labels were false and misleading and tended to deceive and mislead the purchaser: "Strawberry-Flavored Syrup", "Grape-Flavored Syrup", and "Raspberry-Flavored Syrup." Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

On March 16, 1934, the Snaider Syrup Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of the decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned that they be relabeled so as to comply with the requirements of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22151. Adulteration and misbranding of prepared mustard. U. S. v. 43 Cases and 23 Cases of Alleged Mustard. Default decrees of condemnation. Product delivered to charitable institutions. (F. & D. nos. 32015, 32016. Sample nos. 50766-A, 50767-A.)

These cases involved a shipment of two lots of mustard which contained added mustard bran. The statement on the label, of the quantity of the contents was ambiguous, since the declaration was made in ounces and failed to indicate whether the avoirdupois or liquid ounce was meant.

On February 24, 1934, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 66 cases of alleged mustard at Birmingham, Ala., alleging that the article had been shipped in interstate commerce, on or about October 27, 1933, by the Nash Food Products Co., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled, "Nash's Brand Mustard With Bran" the words "With Bran" being in small inconspicuous type. The remainder was labeled: "Nash's Brand Compound Mustard Colored with Turmeric." Both lots were further labeled: "12 Ounces Manufactured by Nash-Underwood Inc., Chicago, Ill."

It was alleged in the libels that the article was adulterated in that mustard bran had been substituted in part for mustard.

Misbranding was alleged for the reason that the prominent statement on the label, "Mustard", was false and misleading and tended to deceive and mislead the purchaser when applied to a product consisting of 50 percent of added mustard bran. Misbranding was alleged for the further reason that the article was an imitation of another article; for the further reason that

it was offered for sale under the distinctive name of another article; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "Contents 12 Ounces", was ambiguous.

On March 27, 1934, no claimant having appeared for the property, judgments of condemnation were entered. On April 20, 1934, the court having found that the product was not unfit for human consumption and not injurious to health, amended orders were entered permitting the marshal to deliver it to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

22152. Misbranding of shortening. U. S. v. 19 Cases of Shortening. Decree of condemnation. Product released under bond to be repacked. (F. & D. no. 32018. Sample no. 63793-A.)

This case involved a shipment of shortening which was short weight.

On February 21, 1934, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of shortening at Ardmore, Okla., alleging that the article had been shipped in interstate commerce, on or about October 18 and November 6, 1933, by the Texas Refining Co., from Greenville, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Four Pounds Net Weight Blue Bonnet Shortening. * * * Texas Refining Co., Greenville, Texas."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Four Pounds Net Weight", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On March 7, 1934, the Texas Refining Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act. The article was repacked in full 4-pound cartons.

M. L. WILSON, *Acting Secretary of Agriculture.*

22153. Misbranding of shelled pecans. U. S. v. 17¼ Cases of Shelled Pecans. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32055. Sample no. 66761-A.)

This case involved a shipment of shelled pecans which were found to be short weight.

On March 9, 1934, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17¼ cases of shelled pecans at Sheridan, Wyo., alleging that the article had been shipped in interstate commerce on or about October 5, 1933, by R. E. Funsten Co., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Funstens Shelled Pecans * * * Net Weight 8 oz. R. E. Funsten Company, St. Louis Mo."

It was alleged in the libel that the article was misbranded in that it was labeled so as to deceive and mislead the purchaser, since the cans were labeled "8 oz." and contained less than 8 ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and correctly stated on the outside of the packages.

On April 2, 1934, the Ryan-Sheridan Co., Sheridan, Wyo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22154. Adulteration and misbranding of condensed buttermilk. U. S. v. 41 Unlabeled Barrels, et al., of Condensed Buttermilk. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32056. Sample nos. 55533-A, 55534-A, 55535-A.)

This case involved a shipment of a product represented to be condensed buttermilk but which was found to be deficient in total solids and butterfat.

On March 1, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 unlabeled barrels, 10 unlabeled half-barrels, 10 unlabeled kegs, and 3 labeled barrels of condensed buttermilk, at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 2, 1934, by the Merchants Creamery Co., Inc., from Cincinnati, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was shipped in unlabeled barrels under a contract which read in part: "Pure Buttermilk Condensed to Milk Solids Minimum 27% Butterfat Minimum 2%, Protein Minimum 10%." Three barrels of the product were labeled at the time of investigation: "Condensed Buttermilk Guaranteed Analysis Protein (Milk Albumin & Casein) 10.00%; Fat (Pure Butter Fat) 2.00; Lactic Acid 4.00; Ash (Mostly Calcium) 3.80; Total Solids 27.00 Fiber none Produced by Vacuum Process for Ronck & Bevis Co., Philadelphia, Pa."

It was alleged in the libel that the article was adulterated in that a product consisting of insufficiently concentrated buttermilk containing less total solids and less butterfat than condensed buttermilk, had been mixed and packed with the article so as to reduce or lower or injuriously affect its quality or strength, and had been substituted in whole or in part for the article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the three labeled barrels of the product for the reason that the following statements appearing in the labeling were false and misleading and tended to deceive and mislead the purchaser: "Condensed Buttermilk Guaranteed Analysis Protein * * * 10.00%; Fat * * * 2.00; * * * Total Solids 27.00."

On March 15, 1934, the Merchants Creamery Co., Inc., Cincinnati, Ohio, having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the claimant upon payment of costs and the execution of a bond in the sum of \$150, conditioned that it should not be disposed of contrary to law. The product was reworked to a satisfactory consistency.

M. L. WILSON, *Acting Secretary of Agriculture.*

22155. Misbranding of canned cherries. U. S. v. 112 Cases of Sour Pitted Cherries. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32059. Sample no. 58750-A.)

This case involved a shipment of canned cherries labeled "Extra Quality." Examination showed that the article was substandard, that the label failed to bear a statement prescribed by regulation of this Department to indicate that it was substandard, and that it was short weight.

On March 1, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 112 cases of sour pitted cherries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 26, 1933, by the Alton Canning Co., from Alton, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Extra Quality Sour Pitted Cherries contents 1 lb. 5 oz."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Extra quality" and "Contents 1 lb. 5 oz.", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because the liquid portion read below 16° Brix and because the

flesh was red instead of yellowish-white and because the fruit was not uniform in size, and the package or label failed to bear a plain and conspicuous statement indicating that the article was substandard.

On March 16, 1934, the Alton Canning Co., Alton, N.Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22156. Adulteration of dried apples. U. S. v. 49 Bags of Dried Apples. Default decree of condemnation and destruction. (F. & D. no. 32242. Sample no. 50604-A.)

This case was based on a shipment of dried apples which were found to contain filth consisting of chicken feathers, human and cat hairs, live and dead insects, and particles of insects.

On March 5, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 unlabeled bags of dried apples at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about January 25, 1934, by C. A. Lowe & Sons, from North Wilkesboro, N.C., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy substance.

On or about May 8, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22157. Misbranding of canned peas. U. S. v. 498 Cases and 683 Cases of Canned Peas. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 32248, 32262. Sample nos. 38455-A, 52688-A.)

These cases involved shipments of canned peas which were substandard and were not labeled to indicate that fact; excessive proportions of mature and hard peas were found in one of the lots and an excessive amount of mature peas were found in the remaining lot.

On March 6 and 7, 1934, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,181 cases of canned peas at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce in part on or about December 23, 1933, and in part on or about January 9, 1934, by W. E. Robinson & Co., from Bel Air, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Fallston Brand Early June Peas * * * Packed for Maryland Canned Goods Co., Belair, Md."

It was alleged in the libels that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, and the package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On March 9, 1934, W. E. Robinson & Co., having appeared as claimant for the property and having admitted the allegation of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$775, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22158. Misbranding of canned peas. U. S. v. 285 Cases of Canned Peas. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32291. Sample no. 58832-A.)

This case involved a shipment of canned peas which contained an excessive proportion of mature peas and which were not labeled to indicate that they were substandard.

On March 9, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 285 cases of canned peas at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 3, 1934, by the G. L. Webster Canning Co., from Cheriton, Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Webster's Select Quality * * * Early June Peas Packed by G. L. Webster Canning Co. Incorporated, Cheriton, Virginia."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned foods, because of the presence of an excessive number of mature peas, and the package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On March 23, 1934, the G. L. Webster Canning Co., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22159. Adulteration of canned prunes. U. S. v. 98 Cases of Canned Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32332. Sample nos. 47768-A, 60446-A.)

This case involved a shipment of canned prunes which were found to be in part decomposed.

On March 16, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 cases of canned prunes at San Francisco, Calif., alleging that the article had been shipped on or about February 27, 1934, by the Ray-Maling Co. from Portland Oreg., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On March 31, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22160. Adulteration and misbranding of tullibeas. U. S. v. 4 Boxes of Fish (Tullibeas). Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32346. Sample no. 65320-A.)

This case involved an interstate shipment of tullibeas which were found to be infested with worms.

On January 29, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4 boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 23, 1934, by C. H. Helborne, from Warroad, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Shipper C. H. Helborne * * * Warroad Minn. * * * This Contains * * * 25 Yellow Pike * * * 50 Dr. Herring."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

Misbranding was alleged for the reason that the statements, "Yellow Pike" and "Dr. Herring", were false and misleading since the article consisted wholly of tullibeas.

On March 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22161. Adulteration of tullibeas. U. S. v. 4 Boxes, et al., of Tullibeas. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32347, 32348. Sample nos. 65315-A to 65318-A, incl.)

These cases involved interstate shipments of tullibeas which were infested with worms.

On January 19, 1934, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 42 boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about January 13, 1934, in various lots, by George Neumiller, John Neumiller, and Roy Brewster from Williams, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On March 9, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22162. Adulteration of tullibeas. U. S. v. 3½ Boxes of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32349. Sample no. 65319-A.)

This case involved a shipment of tullibeas which were found to be infested with worms.

On January 19, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3½ boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about January 13, 1934, by Harvey Neumiller, from Williams, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance.

On March 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22163. Adulteration of butter. U. S. v. 15 Barrels, 1 Steel Drum, and 21 Tubs of Butter. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32351, 32352. Sample nos. 64147-A, 64148-A, 64149-A.)

These cases involved shipments of butter which was found to contain filth.

On January 6 and January 13, 1934, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 15 barrels, 1 steel drum, and 21 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about September 15, and September 28, 1933, by W. C. Stacey, from Lewisburg, Tenn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On February 27, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22164. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32357. Sample no. 66082-A.)

This case involved a shipment of butter which was low in milk fat.

On February 15, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate com-

merce, on or about February 3, 1934, by the Roslyn Creamery Co., of Roslyn, S.Dak., in pool car shipment from Moose Lake, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On February 16, 1934, the Roslyn Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be reworked so that it contain at least 80 percent of butterfat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22165. Adulteration of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32359. Sample no. 66087-A.)

This case involved a shipment of butter which was low in milk fat.

On February 19, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about February 6, 1934, by the Roberts Dairy Co., from Omaha, Nebr., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On February 28, 1934, the Roberts Dairy Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, or the deposit of collateral in like amount, conditioned that it be reworked so that it contain at least 80 percent of butterfat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22166. Adulteration of butter. U. S. v. 34 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32360. Sample no. 66080-A.)

This case involved a shipment of butter which was low in milk fat.

On February 13, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about January 30, 1934, by the Almena Creamery, Almena, Wis., in a pool car shipment from Turtle Lake, Wis., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On February 16, 1934, the Almena Creamery Co., Almena, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22167. Adulteration of butter. U. S. v. 27 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & A. no. 32361. Sample no. 66057-A.)

This case involved a shipment of butter which was low in milk fat.

On February 2, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in

the district court a libel praying seizure and condemnation of 27 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about January 24, 1934, by the Elgin Creamery Association, Elgin, Nebr., in a pool car shipment from Omaha, Nebr., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On February 9, 1934, the Elgin Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, or the deposit of collateral in like amount, conditioned that it be reworked so that it contain at least 80 percent of butterfat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22168. Adulteration of butter. U. S. v. 2 Cubes, et al., of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32362. Sample nos. 60408-A, 60410-A.)

This case involved a shipment of butter which was low in milk fat.

On January 23, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cubes of butter at Seattle, Wash., consigned by the Cascade Creamery Co., alleging that the article had been shipped in interstate commerce from Cascade, Idaho, on or about January 13, 1934, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On February 14, 1934, the Cudahy Packing Co. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22169. Adulteration of butter. U. S. v. 12 Cubes and 15 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32376. Sample no. 60414-A.)

This case involved a shipment of butter which was low in milk fat.

On January 31, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cubes of butter at Tacoma, Wash., consigned by Swift & Co., from San Francisco, Calif., January 20, 1934, alleging that the article had been shipped in interstate commerce from the State of California into the State of Washington, arriving at Tacoma, on or about January 23, 1934, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On March 12, 1934, Swift & Co. having appeared as claimant for the property and having consented to the entry of a decree, and paid costs of the proceedings, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant in order that the butterfat be increased to the legal standard, under a bond in the sum of \$350 conditioned accordingly.

M. L. WILSON, *Acting Secretary of Agriculture.*

22170. Adulteration of butter. U. S. v. 6 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32381. Sample no. 66091-A.)

This case involved a shipment of butter which was low in milk fat.

On February 19, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about February 9, 1934, by the Farmers Creamery Co., of Belmond, Iowa, in pool car shipment from Kanawha, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On March 13, 1934, S. & W. Waldbaum, Inc., New York, N.Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$150, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22171. Adulteration of butter. U. S. v. 200 Boxes and 29 Boxes of Butter. Product adjudged adulterated. Released under bond to be reworked. (F. & D. nos. 32374, 32383. Sample nos. 59248-A, 68611-A.)

These cases involved shipments of butter which were low in milk fat.

On February 8 and February 13, 1934, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 229 boxes of butter at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about May 23 and May 25, 1933, by the Davis-Cleaver Produce Co., from Quincy, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of Congress of March 4, 1923.

On February 26, 1934, the Davis-Cleaver Produce Co. having appeared as claimant for the property and having admitted the allegations of the libels, decrees were entered ordering the product released to the claimant upon payment of costs and the execution of bonds totaling \$2,200, conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22172. Adulteration of butter. U. S. v. 26 Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 32385. Sample no. 68653-A.)

This case involved an interstate shipment of butter which was found to contain filth.

On January 31, 1934, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cases of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce, on or about January 26, 1934, by the Elsass Creamery, Rector, Ark., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On March 31, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22173. Adulteration of tangerines. U. S. v. 68 Cases of Tangerines. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32387. Sample no. 59708-A.)

This case involved an interstate shipment of decomposed tangerines.

On January 17, 1934, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 68 cases of tangerines at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce, on or about December 29, 1933, by Charles Abbate Co., from Waverly, Fla., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 13, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22174. Adulteration of canned salmon. U. S. v. 99 Cases of Canned Salmon. Default decree of condemnation and forfeiture. Product delivered to fish hatcheries to be used as fish food. (F. & D. no. 29126. Sample no. 11120-A.)

This action involved the interstate shipment of quantities of canned salmon which was found to be in part decomposed.

On October 26, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cases of canned salmon at Elmira, N.Y., alleging that the article had been shipped in interstate commerce on or about September 16, 1932, by C. F. Buelow Co., Inc., from Seattle, Wash., to Elmira, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Spot Lite Brand Pink Salmon * * * C. F. Buelow Co. Incorporated, Seattle."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On March 1, 1934, the case having been called and all parties in interest having been declared in default, judgment of condemnation and forfeiture was entered. On March 9, 1934, an amended decree was entered authorizing the delivery of the product to the United States Bureau of Fisheries to be used as fish food.

M. L. WILSON, *Acting Secretary of Agriculture.*

22175. Misbranding of cocoa. U. S. v. E. & A. Opler, Inc. Plea of guilty. Fine, \$100. (F. & D. no. 29485. I. S. nos. 31192, 37391.)

This case was based on shipments of cocoa which, upon examination, was found to be short weight.

On October 11, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against E. & A. Opler, Inc., trading at Brooklyn, N.Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 11 and June 29, 1931, from the State of New York into the State of Ohio, and on or about June 19, 1931, from the State of New York into the State of Maryland, of quantities of cocoa which was misbranded. The article was labeled in part: (Case): "12—2 Pound Perfected Packages"; (can) "Our Mother's Pure All Occasion Cocoa Net Weight Two Pounds E. & A. Opler, Inc. Chicago,—New York."

It was alleged in the information that the article was misbranded in that the statement, "12—2 Pound * * * Packages", borne on the case, and the statement, "Net Weight Two Pounds", borne on the can, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the cans contained less than 2 pounds of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 6, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

22176-22200

[Approved by the Acting Secretary of Agriculture, Washington, D.C., September 11, 1934]

22176. Adulteration and misbranding of Ergot Aseptic. U. S. v. 59 Packages of Ergot Aseptic. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 26338. I. S. no. 27200. S. no. 4666.)

This case involved a shipment of Ergot Aseptic, a drug preparation which was labeled as containing, in each cubic centimeter, the therapeutically important principle of 1 gram of ergot. Samples tested were found to have a potency, per cubic centimeter, of not more than one-third gram of ergot.

On May 6, 1931, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (amended March 30, 1932) praying seizure and condemnation of 59 packages of Ergot Aseptic at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about February 17 and March 3, 1931, by Parke-Davis & Co., from Detroit, Mich., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, "Ergot Aseptic * * * One CC Equal to One Gm (15+½ Grs) Ergot * * * Tested Physiologically and Standardized."

Misbranding was alleged for the reason that the following statements on the labeling were false and misleading: (Carton) "Ergot Aseptic * * * One CC Equal to one Gm (15½ Grs.) Ergot * * * tested physiologically and standardized * * * Ergot Aseptic may be administered hypodermically in any case in which Ergot is indicated. * * * Accuracy of dose uniformity of chemical and physiological tests"; (individual ampoule carton and ampoule label) "Ergot Aseptic One CC Equal to One Gm (15+½ Grs Ergot"; (circular) "Solution of Ergot containing in each cubic centimeter the therapeutic activity of one gram (15+½ Grains) of Ergot of standard quality. It is standardized physiologically by noting the effect of definite graded doses on the vascularity of the comb and wattles of the rooster. On the basis of this typical reaction of the cocks comb Ergot Aseptic possesses the activity of fluid extract ergot, U. S. P. It represents the full activity of the ergot from which it is prepared * * * Its therapeutic effect which is simply that of ergot is produced promptly * * * It is a * * * Potent form of Ergot. * * * Its Activity is assured by Physiological assay * * * It is possessed of exceptional potency"; (card insert) "Improved Formula * * * retaining the Full Activity."

On March 15, 1934, the claim and answer of Parke Davis & Co., the sole intervener, having been withdrawn by permission of the court, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed. On March 16, 1934, the decree was amended to permit release of the product to Parke Davis & Co., under a bond in the sum of \$500, conditioned that it be returned to Detroit, Mich., to be destroyed under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22177. Misbranding of B. & M. & B. & M. External Remedy. U. S. v. F. E. Rollins Co. Plea of guilty. Fine, \$2,000. (F. & D. no. 30186. I. S. nos. 30359, 30439, 30728. Sample nos. 2650-A, 2674-A, 4081-A, 4463-A, 4464-A, 5885-A, 6127-A, 6321-A, 6323-A, 6876-A, 6877-A, 6878-A, 6879-A, 6880-A, 6881-A, 7371-A, 7372-A, 7719-A, 9330-A, 9331-A, 9332-A, 18177-A.)

This case was based on interstate shipments of a drug preparation under two types of labeling, the earlier shipments under the name of B. & M. External Remedy and the later shipments under the name of B. & M. Analyses showed the same formula under both types of labeling. The carton and bottle labels and booklets shipped with the article contained false and fraudulent curative and therapeutic claims.

On February 12, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the F. E. Rollins Co., a corporation, Boston, Mass. It was alleged in the information that the defendant company had shipped from the State of Massachusetts into the States of Pennsylvania, New York, and Alabama, between the dates of May 9, 1931, and April 28, 1932, quantities of B. & M. External Remedy; that the said company had also shipped from the State of Massachusetts into the States of Louisiana, Florida, Minnesota, Illinois, Rhode Island, Michigan, Ohio, and Missouri, between the dates of April 30, 1932, and July 14, 1932, quantities of B. & M.; and that the article was misbranded in violation of the Food and Drugs Act as amended. The shipments labeled "B. & M." were further labeled in part: "Formerly Called B. & M. External Remedy."

Analyses of samples of the article by this Department showed that it consisted essentially of approximately 42 percent of turpentine oil, approximately 5 percent of ammonia, small proportions of ammonium salicylate, hexamethylenamine, thiosinamine, and a phenolic substance such as cresol, albuminous and phosphorus-containing material such as egg, and water.

The information charged that the article was misbranded in that the cartons, bottle labels, and booklets within the cartons contained statements, designs, and devices representing that the article contained ingredients capable of exerting curative and therapeutic effects in the treatment of various ailments, namely, that the portions labeled "B. & M." were effective in the treatment of pulmonary tuberculosis, tuberculosis of the cervical glands, tuberculosis of the joints, tuberculosis of other parts of the body, pneumonia, influenza, laryngitis, bronchitis, croup, coughs, tonsillitis, rheumatism, inflammatory rheumatism, lumbago, neuritis, septic skin infections, sciatica pleurisy germ diseases, hemolytic streptococcus infections, mixed infections, and blood poisoning, and that the portions labeled "B. & M. External Remedy" were effective in the treatment of pulmonary tuberculosis, tuberculosis of the cervical glands, tuberculosis of the joints, tuberculosis of other parts of the body, pneumonia, la grippe, bronchitis, pleurisy, influenza, catarrh, acute and chronic rheumatism, inflammatory rheumatism, rheumatic fever, blood poisoning, inflammation of the bowels, tonsillitis, lumbago, neuritis, neurasthenia, peritonitis, scarlet fever, diphtheria, whooping cough, croup, mumps, auto-intoxication, kidney trouble, bladder trouble, poliomyelitis or infantile paralysis, indigestion, varicose veins, and all kinds of inflammation, whereas the article contained no ingredients or combination of ingredients capable of producing the effects claimed and the statements were applied knowingly, fraudulently, and in reckless and wanton disregard of their truth or falsity.

On March 5, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$2,000.

M. L. WILSON, *Acting Secretary of Agriculture.*

22178. Misbranding of Osmo Kaolin. U. S. v. E. Fougere & Co., Inc. Plea of guilty. Fine, \$375. (F. & D. no. 26628. I. S. nos. 5717, 5738, 5742.)

This case was based on shipments of Osmo Kaolin, a product labeled with therapeutic claims, which was found upon analysis to consist entirely of clay. The article contained no ingredient, nor was it in itself, capable of producing certain therapeutic and curative effects claimed in the labeling.

On October 11, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against E. Fougere & Co., Inc., a corporation, New York, N. Y., alleging shipments by said company in violation of the Food and Drugs Act, as amended, on or about December 6, 1929, November 19 and December 12, 1930, from the State of New York into the Territory of Puerto

Rico, of quantities of Osmo Kaolin which was misbranded. The article was labeled in part: (Box) "'Osmo' Kaolin (Morson) A Pure, Sterile Colloidal Kaolin * * * U. S. Agents—E. Fougere & Co., Inc., * * * New York, N. Y."

Analyses of samples of the article by this Department showed that it consisted of a fine, soft clay containing no organic material nor any mineral salts.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices appearing on the label falsely and fraudulently represented that it was effective as an invaluable treatment of disorders arising from intestinal infection by bacteria; effective to absorb the toxins arising from intestinal infection; effective to eliminate the toxins arising from intestinal infection readily, quickly, and safely, without harm to the system; effective as a treatment, remedy, and cure for dysentery, cholera, diarrhoea, ulcerative colitis, rheumatism, gout and intestinal stasis; effective when employed in the preparation of cataplasmata to remove oedema, relieve pain and swelling of local inflammation; and effective to absorb irritant discharges.

On April 4, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$375.

M. L. WILSON, *Acting Secretary of Agriculture.*

22179. Adulteration and misbranding of citrate of magnesia. U. S. v. Druggist Magnesia Corporation, Bernard Kleinschmidt, Louis Kleinschmidt, William Wohlers, and Max Frei. Pleas of guilty. Fines, \$150 imposed on each count against each defendant. Louis Kleinschmidt and Bernard Kleinschmidt paid \$450 each. Remaining fines suspended. (F. & D. no. 27520. I. S. nos. 20121, 38162, 38733.)

This case was based on shipments of citrate of magnesia which was deficient in acidity and total citric acid. Sample bottles taken from each of the shipments were found to contain less than the declared volume.

On February 8, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Druggist Magnesia Corporation, and Bernard Kleinschmidt, Louis Kleinschmidt, William Wohlers, and Max Frei, proprietors of the said corporation, alleging shipment by said defendants, on or about February 13, July 17, and October 16, 1931, from the State of New York into the State of Connecticut, of quantities of citrate of magnesia which was adulterated and misbranded. Portions of the article were labeled in part: (Blown in bottle) "Solution Citrate Magnesia"; (bottle cap) "Citrate of Magnesia U. S. P. Contents 11½ Fluid Oz." The remainder was labeled in part: (Blown in bottle) "Citrate of Magnesia Solution Citrate Magnesia"; (bottle cap) "D Contents 11½ Fluid Ounces U. S. P. X."

It was alleged in the information that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation, in that it required less than 9.5 cubic centimeters (8.4 cc, 8.09 cc, and 8.37 cc, respectively) of half-normal sodium hydroxide for neutralization of the acid in 10 cubic centimeters of the article, and less than 28 cubic centimeters (25 cc, 25.95 cc, and 26.89 cc, respectively) of half-normal sulphuric acid for neutralization of the ash of 10 cubic centimeters of the article, whereas the pharmacopoeia provides that 10 cubic centimeters of solution of magnesium citrate, to wit, citrate of magnesia, shall require not less than 9.5 cubic centimeters of half-normal sodium hydroxide for neutralization of the acid, and that 10 cubic centimeters shall require not less than 28 cubic centimeters of half-normal sulphuric acid for neutralization of the ash; and the standard of strength, quality, and purity of the article was not declared on the container.

Misbranding was alleged for the reason that the statements, "Solution Citrate of Magnesia", "Citrate of Magnesia U. S. P." with respect to portions of the article, and "Citrate of Magnesia, Solution Citrate Magnesia", with respect to the remainder and the statement, "Contents 11½ Fluid Ounces", with respect to all lots, were false and misleading, since the article was not citrate of magnesia which conformed to the tests laid down in the United States Pharmacopoeia and the bottles contained less than 11½ fluid ounces of the article.

On February 13, 1934, the Druggist Magnesia Corporation, Louis Kleinschmidt, and William Wohlers entered pleas of guilty, and were each sentenced

to pay a fine of \$150 on each of the 6 counts of the information. Payment was suspended, except as to Louis Kleinschmidt with respect to 3 counts on which he paid a fine of \$450. On February 19, 1934, defendant Max Frei pleaded guilty and was fined \$150 on each of 6 counts. Payment was, however, suspended and defendant placed on probation for 1 year. On March 9, 1934, defendant Bernard Kleinschmidt pleaded guilty and was fined \$150 on each count, and payment was suspended as to all but 3 counts. Total fines paid were \$900.

M. L. WILSON, *Acting Secretary of Agriculture.*

22180. Misbranding of Dr. Rainey's Vitality Tablets and Dr. Rainey's Laxatives. U. S. v. Rainey Drug Co. Plea of guilty. Fine, \$200. (F. & D. no. 28116. I. S. nos. 35514, 40369.)

Examination of the drug products covered by this case disclosed that they contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 13, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rainey Drug Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 2 and July 13, 1931, from the State of Illinois into the State of Missouri, of quantities of Dr. Rainey's Vitality Tablets and Dr. Rainey's Laxatives which were misbranded. The articles were labeled, variously, "Dr. Rainey's Vitality Tablets"; "Dr. Rainey's Laxatives"; "Free Sample Dr. Rainey's Laxative Tablets"; "The Dr. Rainey Drug Co. Chicago, U. S. A."

Analyses of samples of the articles by this Department showed that the Vitality Tablets consisted of uncoated tablets, containing calcium carbonate, metallic iron, extracts of plant drugs including cinchona and nux vomica, and iron (ferrous) carbonate; and that the Laxatives (tablets) consisted of uncoated tablets containing calcium carbonate, extracts of plant drugs including nux vomica and a laxative drug, and a small proportion of an iron compound.

It was alleged in the information that the Vitality Tablets were misbranded in that certain statements on the box and in the circular shipped with the article, regarding its curative and therapeutic effects, falsely and fraudulently represented that the article was effective as a treatment, remedy and cure for anaemia, nervous debility, indigestion, lost vitality, neurasthenia and all conditions where a tonic to the heart, nerves, stomach, and blood is required; effective as a general tonic to the stomach and heart, kidneys, and liver, to restore vitality, health, strength, and vigor; effective as a treatment, remedy, and cure for stomach trouble, ailments of the blood, ailments of the nerves, ailments of the heart, catarrh and thinness; effective to enrich the blood, build up the nervous system, generate vitality, create nerve force and restore full strength and vigor; effective as a remedy for strengthening vitality and as a tonic to the stomach, nerves, heart, and blood; and effective to strengthen every organ in the body.

Misbranding of the full-sized bottle of Dr. Rainey's Laxatives was alleged for the reason that certain statements regarding the curative and therapeutic effects of the article, appearing on the bottle label and in the circular, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for indigestion and torpid liver; effective to relieve catarrh of the stomach and digestive organs, and a torpid, enlarged, or congested liver; effective as a treatment, remedy, and cure for sickness and foul breath; effective to put sparkle in the eyes and tone up the whole system; effective to aid the natural function of the bowels, to restore the normal tone to the muscular coating, and to correct constipation and prevent troubles of still more dangerous character.

Misbranding of the sample bottle of Dr. Rainey's Laxatives was alleged for the reason that the following statements regarding the curative and therapeutic effects of the article, appearing on the box and in the circular, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for liver and bowel troubles; effective to put sparkle in the eyes and tone up the whole system; effective to aid the natural function of the bowels, to restore the normal tone to the muscular coating, and to correct constipation and prevent troubles of still more dangerous character.

On February 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

22181. Adulteration of sodium salicylate tablets, acetanilid tablets, calomel tablets, sodium bromide tables, acetanilid compound tablets, and strychnine sulphate tablets. U. S. v. Fraser Tablet Co., Inc. Plea of guilty. Fine, \$180. (F. & D. no. 28166. I. S. nos. 28996, 28997, 30251, 30254, 34334, 34341.)

This case was based on interstate shipments of drug tablets which upon analyses were found to contain smaller amounts of the respective drugs than declared on the label.

On November 23, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fraser Tablet Co., Inc., New York, N. Y., alleging shipment by said company, from the State of New York into the State of Connecticut, in part on March 31, 1931, and in part on June 8, 1931, of quantities of sodium salicylate tablets, acetanilid tablets, calomel tablets, sodium bromide tablets, acetanilid compound tablets, and strychnine sulphate tablets which were adulterated. The articles were labeled in part, respectively: "Tablets * * * Sodium Salicylate 5 Grains"; "Tablets * * * Acetanilid 5 grains"; "Tablets Calomel $\frac{1}{8}$ Grain"; "Tablets * * * Sodium Bromide 5 Grains"; "Tablets * * * Acetanilid Comp. N. F. Powder 5 grs. (Aulde A) (Formerly Migraine No. 3) Acetanilid $3\frac{1}{2}$ gr."; "Tablets * * * Strychnine Sulphate 1/50 grain."

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, as follows: Each of the sodium salicylate tablets was represented to contain 5 grains of sodium salicylate, whereas each tablet contained not more than 3.744 grains of sodium salicylate.

Each of the acetanilid tablets was represented to contain 5 grains of acetanilid, whereas each tablet contained not more than 4.502 grains of acetanilid.

Each of the calomel tablets was represented to contain one-eighth of a grain of calomel, whereas each tablet contained not more than 0.102 grain of calomel.

Each of the sodium bromide tablets was represented to contain 5 grains of sodium bromide, whereas each tablet contained not more than 4.390 grains of sodium bromide.

Each of the acetanilid compound tablets was represented to contain, among other ingredients, $3\frac{1}{2}$ grains of acetanilid, whereas each tablet contained not more than 3.133 grains of acetanilid.

Each of the strychnine sulphate tablets was represented to contain one-fiftieth of a grain of strychnine sulphate, whereas each tablet contained not more than 0.0179 grain of strychnine sulphate.

On March 2, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$180.

M. L. Wilson, *Acting Secretary of Agriculture.*

22182. Misbranding of Adium Ointment. U. S. v. Adium Products, Inc. Plea of guilty. Fine, \$200. (F. & D. no. 28190. I. S. no. 44717.)

Examination of a sample of Adium Ointment showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Examination further showed that the article contained radioactive substances in sufficient amount to render it definitely harmful to health in some instances of use according to directions.

On or about February 16, 1933, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Adium Products, Inc., a corporation, Battle Creek, Mich. On July 1, 1933, an amended information was filed. It was alleged in the amended information that the defendant company had shipped from Battle Creek, Mich., into the State of Indiana, on or about September 8, 1931, a quantity of Adium Ointment which was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Adium * * * Active Radium Ointment Adium is a soothing, palliative, penetrating, healing ointment for use where mild Radium Therapy is indicated. * * * Adium Products, Inc. Battle Creek, Michigan."

Analysis of a sample of the article by this Department showed that it consisted essentially of mineral matter containing uranium and vanadium compounds incorporated in petrolatum. It possessed radio-activity equivalent to 4.86 millimicrograms of radium per gram.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the carton and tube labels and in a circular shipped with the article, falsely and fraudulently represented that it was effective as an active radium-ointment whereby mild radium therapy is needed to reach and act on the outer surface of the skin, to penetrate through the outer surface and upon the deeper layers, and to penetrate into the underlying tissues, resulting in exceptional and amazingly prompt healing and curative powers in the treatment of piles, hemorrhoids, sores, ulcers, pimples, itch, ringworm, tetter, warts, furunculosis (boils), acute superficial ulcers, skin irritations, wounds, skin infections, lesions, skin troubles, old sores, chronic ulcers, eczema and kindred conditions, any kind of injury or irritation, aggravated sores, many forms of skin trouble, skin eruptions, eruptions due to external causes, surface ulcers, stubborn, aggravating, long standing sores and superficial ulcers, psoriasis, scaly red patches and other skin diseases, ugly skin on legs, and effective to stimulate the natural healing forces that are inherent to all bodily tissues, to break up stagnation, and to bring new life and health to diseased tissues; to stimulate blood circulation, to relieve sluggishness and congestion; to stimulate the reparative processes and build up diseased tissues.

Misbranding was alleged for the further reason that the statements, "Safe, Harmless", borne on the tubes, the statements, "You can apply Adium as often as may be necessary without any harm to the most delicate tissues or any kind of injury or irritation", and "* * * because of its ease of application can be used in the home as safely and as easily as an ordinary salve or ointment", contained in the circulars shipped with the article, were false and misleading, since it contained a quantity of radio-active substances which would render it definitely harmful to health in some instances of use according to the directions contained in the said circular.

On February 3, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

22183. Misbranding of Sal-Vet Poultry Tonic. U. S. v. 160 Packages of Sal-Vet Poultry Tonic. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30115. Sample no. 36086-A.)

Examination of a sample of Sal-Vet Poultry Tonic showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 16, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 160 packages of Sal-Vet Poultry Tonic at Denver, Colo., alleging that the article had been shipped in interstate commerce, in various consignments, between the dates of September 28, 1932, and March 24, 1933, and charging misbranding in violation of the Food and Drugs Act as amended. The records show that 18 packages of the product were shipped by the Sal-Vet Co., from Cleveland, Ohio, and that the remaining lots had been originally shipped to various consignees by parties unknown and had been rejected and reshipped to Denver.

Analysis of a sample of the article by this Department showed that it consisted essentially of crushed shells, charcoal, sodium sulphate, magnesium sulphate, iron compounds, sulphur, and small proportions of sodium nitrate, quassia, capsicum, and anise.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: "A tonic which puts poultry in condition to lay, promotes growth and early moulting * * * the fowls will always take just enough of it and will doctor themselves * * * for eggs, to prevent disease * * * the fowls will doctor themselves * * * for cholera, catarrh, diarrhea, swelled head, etc. Separate the sick fowls, treat singly, using slightly larger doses."

On February 19, 1934, the Sal-Vet Co., Silver Springs, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22184. Adulteration and misbranding of Phytamin Tablets. U. S. v. The Phytamin Corporation. Plea of guilty. Fine, \$200. (F. & D. no. 30182. I. S. no. 53023. Sample nos. 3156-A, 3162-A, 3461-A.)

This case was based on the interstate shipment of 4 lots of Phytamin Tablets, a product sold as a source of vitamins and as a treatment for various ailments. Examination showed that the article contained no ingredients capable of producing certain curative and therapeutic effects claimed in the labeling; also that three of the four lots contained insufficient vitamins to be of any value in the doses recommended.

On November 7, 1933, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Phytamin Corporation, trading at Battle Creek, Mich., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about March 17, April 21, May 2, and June 25, 1932, from the State of Michigan into the State of Illinois, of quantities of Phytamin which was misbranded, and portions of which were also adulterated. The article was labeled in part: "Phytamin * * * The Phytamin Corporation New York [or "Battle Creek, Mich.]"

Analysis by this Department of a sample of one of the shipments showed that the article consisted of brown sugar-coated tablets containing chiefly calcium phosphate, iron phosphate, extracts of plant drugs, small proportions of sodium, potassium, iodine and carbonate compounds, volatile oils including oil of cinnamon and oil of cloves, a fixed oil, starch, and yeast. Analyses of samples taken from the remaining shipments showed that the article consisted essentially of calcium and iron phosphates, starch, yeast cells, and unidentified plant extractives. Tests of the samples from the said three shipments showed that they contained no significant amount of vitamins A, B, C, and D.

It was alleged in the information that 3 of the 4 lots were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that the article was represented to contain in concentrated and active form the antirachitic vitamin ("fat-soluble A"), the antineuritic vitamin ("water-soluble B"), and the antiscorbutic vitamin C; whereas it contained little if any vitamins A, B, and C and was of no value as a source of these vitamins in the dosage recommended.

Misbranding of the said three lots was alleged for the reason that the statements, "Phytamin contains in concentrated and active form the antirachitic vitamin ('fat soluble A'), the antineuritic vitamin ('water soluble B'), the antiscorbutic vitamin ('C')", borne on the carton containing the article, were false and misleading.

Misbranding of the said three lots was alleged for the further reason that certain statements, designs, and devices appearing on the box and carton labels falsely and fraudulently represented that the article was effective as a vitamin food vitalizer; effective as a treatment, remedy, and cure for lack of appetite, indigestion, underweight, anaemia, nervous disorders, fatigue, weakness or general breakdown brought on by overwork or worry, irritability, melancholia and other forms of neurasthenia; effective to induce normal sleep and to restore mental and physical energy and the will to live; effective to stimulate the general nutrition of the body; effective as a treatment in lingering convalescence; effective as a treatment in cases of malnutrition, undernourishment, underdevelopment, and so-called "Deficiency" diseases in children, produced by continued consumption of food lacking in vitamins and plant salts ("Food essentials") and resulting in paleness, thinness, weakness, listlessness, and similar subnormal conditions; effective to promote growth, prevent tooth decay, and aid in the building up and strengthening of the bone structure; effective to insure life, health and strength, and supply the vitalizing, strengthening blood, nerve, muscle, bone, and body-building elements of nature; and effective to do all that yeast does and to enable food to perform its natural function, to sustain life, promote health, and develop strength. Misbranding of the remaining lot was alleged for the reason that certain statements, designs, and devices appearing on the bottle label and in a circular shipped with the article, falsely and fraudulently represented that the article was effective as a reconstructive tonic and builder; effective as a treatment, remedy, and cure for general depletion, disordered metabolism, malnutrition, anaemia, retarded growth and slow convalescence; effective as a treatment, remedy, and cure for weak, undernourished anaemic and "backward" children; effective as a blood builder and nerve strengthener; effective to insure health and to supply nourishment, strength, and vigor to all body functions; effective to perform the difficult task

of nourishing bodies insufficiently nourished by the devitalized, denatured, and ultra-refined foods of modern life; effective as a treatment for wan, pinched faces, nervous spasms and twitchings, insufficient strength, poor teeth, malformed jaws and poor skeletal structure, weak eyes, "backward" minds; effective to restore childhood's natural birthright of buoyant health and vibrant vitality; effective as a treatment for nervous complaints; effective to restore recuperative powers after illness, to prevent the frequent susceptibility to disease and a host of other symptomatic complaints; effective as a treatment for disease and infections of a most serious sort, Bright's disease, diabetes, tuberculosis, and nutritional diseases; effective to supply the material for rich blood, sound nerves, proper functioning vital organs, and well-formed substantial skeletal structure and teeth; effective to have the property of ready assimilation by the starved tissue and impoverished blood; effective as a powerful reconstructive; effective to produce improved physical and mental vigor; effective to repair daily waste, repel disease and restore health and vitality; effective as a treatment, remedy, and cure for pernicious anaemia; effective to help fortify the body against the dangers of infectious disease, and to raise the general health and increase the natural immunity to withstand exposure to disease or other unfavorable conditions; effective to preserve the health and further the development and growth of the growing boy and girl; effective as a treatment, remedy, and cure for nervous exhaustion, from indigestion, weakened condition, complete breakdown, mental and physical; effective as a treatment, remedy, and cure for worms; effective to increase weight; effective to produce pep and enthusiasms and to reduce surplus weight; effective as a treatment, remedy, and cure for general debility, physical and nervous exhaustion, and all diseases where systemic weakness is evident; effective to aid the vital functions to gain in strength and vitality; effective as an aid to the upbuilding processes and to supply the elements needed to attain health and vigor; effective as a treatment during protracted illness, or an exceptionally virulent attack of disease; to relieve general exhaustion and to prevent a serious relapse; effective as a treatment, remedy, and cure for all chronic conditions, such as acidosis, anaemia, asthma and hay fever, bronchial affections and catarrhal conditions, neuritis and other painful or distressing symptoms of chronic conditions due to lowered vitality; effective to supply needed minerals vital to the health of expectant mothers and that of the growing foetus; effective as a treatment, remedy, and cure for nerve weakness and exhaustion, loss of pep and vitality, anaemic conditions, general weakness and similar conditions characteristic of a low state of health; effective as a remedy of amazing restorative powers; and effective as a treatment in many serious conditions to contribute immeasurably to the sense of well-being and to provide increased immunity to disease.

On February 3, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

22185. Misbranding of Ma Burns' External Liniment. U. S. v. William B. McClellan (Ma Burns' Liniment Co.). Plea of guilty. Fine, \$4.
(F. & D. no. 30214. Sample no. 8298-A.)

Examination of a sample of Ma Burns' External Liniment showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was labeled as being pharmaceutically nonpoisonous, whereas it was pharmaceutically poisonous, since it contained ammonia.

On January 20, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William B. McClellan, trading as Ma Burns' Liniment Co., Everett, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 5 and March 4, 1932, from the State of Massachusetts into the State of New Jersey, of a quantity of liniment which was misbranded. The article was labeled in part: (Carton) "Ma Burns' External Liniment * * * A Powerful Anti-septic Pharmaceutically Non-poisonous. * * * Ma Burns' Liniment Co. Everett, Mass."

Analysis of a sample of the article by this Department showed that it consisted of an emulsion containing uncombined ammonia (8.8 percent), turpentine oil, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the curative and therapeutic

effects of the article, appearing on the bottle and carton labels and in an accompanying circular, falsely and fraudulently represented that it was effective as a relief, treatment, remedy, and cure for tuberculosis, pneumonia, laryngitis, bronchitis, pleurisy, influenza, asthma, coughs, rheumatism, lumbago, neuritis, and blood poisoning; effective to sweep out the aching root pain and to kill rheumatic aches; effective to start normal circulation coursing down to the painful area; effective as a sovereign liniment for coughs, influenza and pneumonia; effective as a great relief for tubercle lungs, glands and joints, to arrest the work of pneumonia and influenza in a few hours and to give immediate relief in rheumatic fever and to put the patient on his feet within a short time; effective to banish pain; effective as a treatment, remedy, and cure for chronic rheumatism, peritonitis, catarrh, stiff joints, throat and lung troubles, and any affliction which has become deep seated and of long standing; and effective to prolong life. Misbranding was alleged for the further reason that the statement on the carton, "Pharmaceutically Non-poisonous", was false and misleading, since the article was pharmaceutically poisonous, in that it contained ammonia.

On February 12, 1934, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$4.

M. L. WILSON, *Acting Secretary of Agriculture.*

22186. Adulteration and misbranding of sweet spirits of niter. U. S. v. Samuel Kidder & Co., Inc. Plea of nolo contendere. Fine, \$5. (F. & D. no. 30221. Sample no. 11270-A.)

This case was based on a shipment of sweet spirits of niter which contained ethyl nitrite in excess of the amount provided by the United States Pharmacopoeia, and in excess of the amount declared on the label.

On January 20, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Samuel Kidder & Co., Inc., Boston, Mass., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 19, 1932, from the State of Massachusetts into the State of Connecticut, of a quantity of sweet spirits of niter which was adulterated and misbranded. The article was labeled in part: "Sweet Spirits of Nitre * * * Each fluid ounce contains 15 grains of Ethyl Nitrite * * * Samuel Kidder & Co., Inc. Boston, Mass."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, since it contained not less than 5.52 percent of ethyl nitrite, whereas the pharmacopoeia provides that spirit of ethyl nitrite shall contain not more than 4.5 percent of ethyl nitrite, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the article fell below the professed standard and quality under which it was sold, since each fluid ounce of the article was represented to contain 15 grains of ethyl nitrite; whereas each fluid ounce contained more than 15 grains of ethyl nitrite, to wit, not less than 20.5 grains.

Misbranding was alleged for the reason that the statement, "Each fluid ounce contains 15 grains Ethyl Nitrite", borne on the bottle label, was false and misleading, since the article contained more than 15 grains of ethyl nitrite per fluid ounce.

On February 12, 1934, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*

22187. Adulteration of milk of magnesia. U. S. v. Eugene J. Fishgoll (Missouri Products Co.). Plea of guilty. Fine, \$50. (F. & D. no. 30222. Sample no. 6723-A.)

This case was based on an interstate shipment of milk of magnesia which was represented to be of pharmacopoeial standard. Analysis showed that it contained but little more than one-half the amount of magnesium hydroxide required by the United States Pharmacopoeia.

On September 27, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Eugene J. Fishgoll, trading as the Mis-

souri Products Co., St. Louis, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 22, 1932, from the State of Missouri into the State of Illinois, of a quantity of milk of magnesia which was adulterated. The article was labeled in part: "Supreme Milk of Magnesia U. S. P. * * * Guaranteed by Missouri Products Co. St. Louis, Mo."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, in that it contained less than 7 percent of magnesium hydroxide, to wit, not more than 3.59 percent; whereas the pharmacopoeia provides that milk of magnesia shall contain not less than 7 percent of magnesium hydroxide, and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold.

On March 29, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22188. Adulteration and misbranding of magnesium sulphate ampoules. U. S. v. G. H. Sherman, M. D., Inc. Plea of guilty. Fine, \$100. (F. & D. no. 30330. Sample no. 5853-A.)

This case was based on an interstate shipment of magnesium sulphate ampoules which contained a smaller amount of magnesium sulphate than declared on the label.

On December 21, 1933, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against G. H. Sherman, M.D., Inc., Detroit, Mich., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 11, 1932, from the State of Michigan into the State of Ohio, of a quantity of magnesium sulphate ampoules which were adulterated and misbranded. The article was labeled in part: (Box) "100 Ampoules Sterile 50% Solution Magnesium Sulphate. * * * G. H. Sherman, M.D., Inc., Bacteriological Laboratories, Detroit, Michigan"; (ampoule container) "58 2 CC * * * 2 Cubic Centimeters Formula Magnesium Sulphate 50 Per Cent Solution Formula Magnesium Sulphate 15½ Grains."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed strength and quality under which it was sold, since it was represented to be a 50 percent solution of magnesium sulphate, and that 2 cubic centimeters of the article contained 15½ grains of magnesium sulphate, whereas it was not a 50 percent solution of magnesium sulphate, i. e., not more than 36.59 percent, and each 2 cubic centimeters of the article contained not more than 13.49 grains of magnesium sulphate.

Misbranding was alleged for the reason that the statements, "Magnesium Sulphate 50% Solution", borne on the box label, and the statements, "2 Cubic Centimeters * * * Magnesium Sulphate 15½ Grains", borne on the ampoule container, were false and misleading.

On February 24, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

22189. Misbranding of Ru-Co Aspirin. U. S. v. 837 Tins of Ru-Co Aspirin. Default decree of condemnation and destruction. (F. & D. no. 30672. Sample no. 34250-A.)

This case involved a shipment of aspirin tablets, the labels of which bore unwarranted curative and therapeutic claims. It was also claimed for the article that it would not depress the heart, whereas aspirin is a heart depressant.

On July 28, 1933, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 837 tins of Ru-Co Aspirin at Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about April 5, 1933, by the Clyde Collins Chemical Co., from Memphis, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that the tablets contained 4.8 grains of acetylsalicylic acid each.

It was alleged in the libel that the article was misbranded in that the statement appearing on the label, "Will not depress the heart", was false and misleading, since aspirin does depress the heart. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: "Use for * * * Toothache, Sore Throat * * * etc. As an aid in the relief of * * * Rheumatism * * * Toothache, Earache."

On April 16, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22190. Misbranding of Fowlerine. U. S. v. 72 Bottles of Fowlerine. Default decree of condemnation and destruction. (F. & D. no. 30783. Sample no. 41602-A.)

Examination of a sample of Fowlerine showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On or about August 2, 1933, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 bottles of Fowlerine at Little Rock, Ark., alleging that the article had been shipped in interstate commerce, on or about June 29, 1933, by the Fowler Medicine Co., from Memphis, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of a mixture of turpentine oil and sulphureted fatty oil, flavored with methyl salicylate.

It was alleged in the libel that the article was misbranded in that it was falsely and fraudulently labeled with respect to its effects in curing or preventing various disease conditions, including disorders of the kidneys, bladder, liver, stomach and generative organs, rheumatism, nervousness, indigestion, cramp, colic, Bright's disease, diabetes, dropsy, heart failure, swelling of the feet or ankles, puffiness under the eyes, dull aching around the back, weak and tired back, lumbago, pleurisy, gastritis, dyspepsia, diseases of the appendix, and malaria.

On April 16, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22191. Misbranding of Anti-Cholelith. U. S. v. 29 Bottles of Anti-Cholelith. Default decree of condemnation and destruction. (F. & D. no. 30818. Sample no. 42780-A.)

Examination of a sample of Anti-Cholelith showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 7, 1933, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 bottles of Anti-Cholelith at Atchison, Kans., alleging that the article had been shipped in interstate commerce, on or about June 8, 1933, by the Leon Chemical Co., from Springfield, Mo., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs including hydrastis, a small proportion of acetic acid, glycerin, and water.

It was alleged in the libel that the article was misbranded in that certain statements appearing on the bottle label, and in a circular shipped with the article, regarding its effectiveness in the treatment of gallstones and renal calculi, kidney stones, indigestion, constipation, and auto-intoxication were false and fraudulent.

Misbranding was alleged for the further reason that the statement on the bottle label, "Guaranteed by The Leon Chemical Company under the Food and Drugs Act, June 30, 1906", was misleading since it created the impression that the article had been examined and approved by the Government, and

that the Government guaranteed that it complied with the law; whereas it had not been so approved and the Government did not guarantee that it complied with the law.

On November 27, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22192. Misbranding of Salomint Dental Cream. U. S. v. 228 Tubes of Salomint Dental Cream. Default decree of condemnation and destruction. (F. & D. no. 30888. Sample nos. 42831-A to 42834-A, incl.)

Examination of a sample of Salomint Dental Cream showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 10, 1933, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 228 tubes of Salomint Dental Cream, peppermint and spearmint-flavored, at Atchison, Kans., alleging that the article had been shipped in interstate commerce on or about July 11, 1933, by the Sal O Dent Laboratories, Inc., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Examination of a sample of the article by this Department showed that it consisted essentially of calcium carbonate, magnesium hydroxide, sodium chloride, soap, and water, together with peppermint oil and red coloring in one variety, and mint oil and green coloring in the other.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing on the cartons and tubes, were false and fraudulent: (Carton) "In the compounding of Salomint, milk of Magnesia is delightfully blended with pure salt. Salt has been prescribed by the Dental profession for the past fifty years as the simplest and best remedy for soft flabby gums which very often ends in Pyorrhea * * * protect their gums with salt and be assured of healthy teeth * * * If gums are normal use Salomint twice daily,—if gums soft and receding use three times daily until normal condition arises"; (tube) "For normal gums use twice daily for tender bleeding gums use three times daily until normal condition results."

On November 27, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22193. Misbranding of Silver Salve Gall Remedy. U. S. v. 32 Packages of Silver Salve Gall Remedy. Default decree of condemnation and destruction. (F. & D. no. 31008. Sample no. 42779-A.)

This case involved a product which was essentially a zinc oxide salve. A product of this character would not have the curative or antiseptic properties claimed in the labeling. The name "Silver Salve" was misleading because of its composition.

On or about August 31, 1933, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 packages of Silver Salve Gall Remedy at Atchison, Kans., alleging that the article had been shipped in interstate commerce on or about July 12, 1933, by the Diehl Chemical Co., from Omaha, Nebr., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of zinc oxide (9.0 percent) and a small proportion of benzaldehyde, incorporated in a mixture of petrolatum and fat, colored blue.

It was alleged in the libel that the article was misbranded in that the statements, (wrapper and can) "Silver Salve" and (circular) "Silver Salve * * * Antiseptic Qualities", were false and misleading.

Misbranding was alleged for the further reason that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Wrapper and can) "Heals * * * Scratches, Thrush, Skin Troubles and Wounds of All Kinds * * * Is a Wonderful Healer * * * Healing Remedy * * * Old Sores * * * For Wounds of Every Character No

Matter Where Located"; (circular) "For healing run-around, or ring-worm. For * * * protruding piles * * * For varicose veins, old indolent sores and eczema, it has proven very effective. Try Silver Salve for anything you can use any ointment for and you will never be disappointed in the results. * * * Healing * * * It cures * * * scratches * * * mud scalds, skin trouble, mange, Thrush, etc. It cures old sores and wounds of every character. * * * It prevents the formation of pus, by its antiseptic qualities, [Testimonials] J. W. Gilpin, Ada, Oklahoma, writes: 'I have been a sufferer from a pair of old sore shins ever since the 25th day of November, 1882, when I bruised my legs and have ever since had running sores. Some time in July, this year, I got hold of a sample box of Silver Salve, which I tried and was so well pleased that I have used Silver Salve ever since. I think it is the greatest remedy I ever saw as I have healed two sore legs with it for other fellows, one of fifteen years' standing and the other of two years. I am well known in and around Ada and everybody knows my condition, and personally I can prove my recommendation as to the merits of your remedy. I have been operated upon by different doctors in several states, but your Silver Salve has been of more benefit to me than all of their whittling.'

On November 27, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22194. Misbranding of Parkelp. U. S. v. 34 Packages of Parkelp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31250. Sample no. 5392-A.)

This case involved a product, known as Parkelp, the labeling of which bore unwarranted curative and therapeutic claims.

On October 17, 1933, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 packages of Parkelp at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about August 5, 1933, by the Philip R. Park Laboratories, Inc., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of ground plant material containing such inorganic constituents as compounds of sulphur, iodine, phosphorus, calcium, sodium, potassium, magnesium, iron, manganese, and copper as commonly occur in plants.

It was alleged in the libel that the article was misbranded in that the following statements, appearing in the labeling, were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: (Bottle) "Vigor-building * * * Vitamin Content. The combination of Parkelp's minerals in biological tests has given the effects of vitamins A, B, D and E"; (circular) "Up to Par * * * 'To keep up to Par' is a simple thing, and yet only 5% of the world's population know the meaning of real health and happiness. Medical men are urging us to come to them 'before we are ill.' Preventative medicine and balanced diets are the urge of the age. In order to secure a balanced diet, including all the necessary minerals and vitamins, we must use a system that will supply a food supplement. Our vegetables and fruit as well as bread and meats, no longer supply sufficient food minerals. Countless physicians prescribe and administer inorganic iodine and other inorganic minerals. Nature intended that we have them in our foods in a natural way. The rains of the ages have washed the minerals out of the soils, so that the vegetables and fruits that we now have, are minerally starved. Parkelp Supplies Needed Food Minerals. Lack of food minerals, in the diet, in proper form, have a tendency to result in Obesity, Goitre, Rickets, Nervousness, Anemia, Eczema, low vitality, Asthma, Rheumatism, Neuritis, Arthritis, and many female troubles. The combination of Parkelp minerals in biological tests have given the effects of vitamins A, B, D, E and G. It is practically impossible to include in the daily diet, sufficient food stuffs to supply the Organic Minerals and Vitamins, required by the body."

On November 11, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22195. Adulteration and misbranding of Cascara Cold Breakers. U. S. v. The National Pharmacal Co. Plea of guilty. Fine, \$25. (F. & D. no. 31320. Sample no. 27133-A.)

This case was based on an interstate shipment of a drug product which was found to contain less acetanilid than claimed. The labels of the article also bore unwarranted curative and therapeutic claims.

On February 10, 1934, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Pharmacal Co., a corporation, Detroit, Mich., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 17, 1933, from the State of Michigan into the State of Ohio, of a quantity of Cascara Cold Breakers which were adulterated and misbranded. The article was labeled in part: (Box) "National remedies Cascara Cold Breakers * * * National Pharmacal Company, Detroit, Michigan. Each tablet contains * * * 2 grains of Acetanilid."

Analysis of a sample of the article by this Department showed that it contained acetanilid (1.7 grains per tablet), small proportions of extracts of plant drugs including a laxative drug, ammonium chloride, camphor, capsicum, and sodium salicylate, and a trace of a drug containing a mydriatic alkaloid.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of the said tablets was represented to contain 2 grains of acetanilid, whereas each of the said tablets contained not more than 1.7 grains of acetanilid.

Misbranding was alleged for the reason that the statement "Each tablet contains * * * 2 grains of acetanilid", borne on the box, was false and misleading. Misbranding was alleged for the further reason that the article contained acetanilid, and the label on the package failed to bear a statement of the quantity and proportion of acetanilid contained in it. Misbranding was alleged for the further reason that certain statements appearing on the box label, regarding the curative and therapeutic effects of the article falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for grippe.

On February 24, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. Wilson, Acting Secretary of Agriculture.

22196. Misbranding of Ensign Remedies. U. S. v. Thomas D. Ensign and Beatrice Ensign (The Ensign Co.). Pleas of guilty. Fines, \$200. (F. & D. no. 31330. Sample nos. 7859-A, 7860-A.)

This case was based on shipments of Ensign Remedies. Examination showed that the articles contained no ingredients capable of producing certain curative and therapeutic effects claimed in the labels.

On January 10, 1934, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Thomas D. Ensign and Beatrice Ensign, copartners, trading as the Ensign Co., Battle Creek, Mich., alleging shipments by said defendants in violation of the Food and Drugs Act as amended, on or about January 10, 1933, from Battle Creek, Mich., to Santurce, P.R., of quantities of Ensign Remedies which were misbranded. The articles were labeled in part, respectively: "Ensign Remedies Remedy No. 42"; "The Ensign Remedies Remedy No. 7."

Analyses of samples of the articles by this Department showed that Remedy No. 42 contained 99.6 percent of sugar and that Remedy No. 7 contained 99.2 percent of sugar. No therapeutic agents were detected in either sample.

It was alleged in the information that the articles were misbranded in that certain statements, designs, and devices regarding their curative and therapeutic effects, appearing on the carton and bottle labels and in circulars shipped with the articles, falsely and fraudulently represented that Remedy No. 42 was effective as a treatment, remedy, and cure for primary syphilis, chancre, buboes and affections due to having suppressed it during its first period; effective as a remedy and treatment for diseases no matter how serious; effective to insure long life and immunity against pains and afflictions; effective as a rapid and steady remedy in acute cases, and as a cure in chronic diseases; effective as a tissue builder, and that Remedy No. 7 was effective as a treatment, remedy, and cure for grippe, endemic influenza and malignant affections of the throat; effective as a treatment for acute la grippe or for the chronic after-effects;

effective as a preventive in epidemics; effective as a remedy and treatment for diseases no matter how serious; effective to insure long life and immunity against pains and afflictions; effective as a rapid and steady remedy in acute cases and as a cure in chronic diseases; and effective as a tissue builder.

On February 3, 1934, pleas of guilty were entered and the court imposed a fine of \$100 against each defendant.

M. L. WILSON, *Acting Secretary of Agriculture.*

22197. Adulteration and misbranding of drug tablets. U. S. v. 15,800 Cold Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31537. Sample no. 42736-A.)

These tablets were shipped in response to an order for tablets containing, among other ingredients, 1 grain of acetanilid and 0.625 grain of quinine sulphate. Analysis showed that the tablets contained less acetanilid and quinine sulphate than ordered. The container failed to bear a declaration of the acetanilid.

On November 2, 1933, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15,800 drug tablets at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce, on or about January 20, 1933, by Strong, Cobb & Co., Inc., from Cleveland, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that the tablets contained not more than 0.83 grain of acetanilid and not more than 0.56 grain of quinine sulphate each.

It was alleged in the libel that the tablets were adulterated in that their strength fell below the professed standard under which they were sold, namely, acetanilid 1 grain, quinine sulphate 0.625 grain.

Misbranding was alleged for the reason that the containers failed to bear a statement on the label of the quantity or proportion of acetanilid contained in each tablet.

On February 2, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22198. Adulteration and misbranding of Petro-Ido. U. S. v. 14 Bottles of Petro-Ido. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31759. Sample no. 46447-A.)

Examination of a sample of Petro-Ido showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Tests of the article showed that it would not act as an antiseptic when used as directed.

On December 21, 1933, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 bottles of Petro-Ido at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about August 30, 1933, by the White Specific Toilet Co., from Nashville, Tenn., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "White's Specific Laboratories."

Analysis of a sample of the article by this Department showed that it consisted essentially of 0.05 percent of iodine dissolved in mineral oil. Bacteriological examination showed that the article would not be an antiseptic for internal use.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, viz, "internal antiseptic."

Misbranding was alleged for the reason that the statements on the carton and wrapper, "Internal Antiseptic Oil, * * * clears the intestinal canal of many of the dangerous germs of colds, colitis, appendicitis and typhoid", were false and misleading. The libel further alleged that the article was falsely and fraudulently labeled with respect to its effects in the treatment and prevention of various disease conditions, including ulcerations of the stomach and intestines, colitis, appendicitis, typhoid, cancer of the stomach, constipation, autointoxication, soreness of the bowels, high blood pressure, low blood pressure, enlarged liver, epilepsy, heart trouble, and sore mouth.

On January 10, 1934, the allegations of the libel having been admitted by White's Specific Laboratories, the manufacturer of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22199. Misbranding of Santay-Swiss Anti-Diabetic Tea, Nutro-Links No. 5, Nutro-Links No. 6, and Nutro-Links No. 6 Tablets. U. S. v. 60 Packages of Santay-Swiss Anti-Diabetic Tea, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31792 to 31795, incl. Sample nos. 57982-A to 57985-A, incl.)

Examination of the drug products involved in these cases disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 29, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 69 packages of Santay-Swiss Anti-Diabetic Tea, 45 packages of Nutro-Links No. 5, 40 packages of Nutro-Links No. 6, and 71 packages of Nutro-Links No. 6 Tablets at Boston, Mass., alleging that the articles had been shipped in interstate commerce, between September 7 and December 4, 1933, by the Modern Health Products, Inc., from Milwaukee, Wis., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Santay-Swiss Anti-Diabetic Tea consisted of a mixture of plant drugs including peppermint leaves and stems, malva flowers, senna pods, and dog grass; that the Nutro-Links Formula No. 5 consisted of powdered plant material, sodium chloride, and sodium sulphate; that the Nutro-Links Formula No. 6 consisted of powdered plant material, sodium chloride, and sodium sulphate; and that the Nutro-Links No. 6 Tablets consisted essentially of ground plant material, sodium chloride, and sodium sulphate.

It was alleged in the libels covering the first three above-described products that they were misbranded in that the following statements appearing in the labelings were false and fraudulent: (Santay-Swiss Anti-Diabetic Tea) "Health * * * Health Products * * * Anti-Diabetic Tea * * * Modern Health Products * * * Health"; (Nutro-Links No. 5) "The Anti-Diabetic Food * * * Health * * * For Best Results"; (Nutro-Links No. 6) "Anti-Arthritic and Anti-Rheumatic Elements * * * Health * * * For Best Results * * * Health." Misbranding was alleged in the libel covering the Nutro-Links No. 6 Tablets in that the article was falsely and fraudulently labeled with respect to its effects in the treatment of arthritic and rheumatic conditions, uric acid deposits and the "lame" diseases, and in effect, as a vital accessory food and aid to health, remedying the cause of disease and correcting nutritional deficiencies evidenced by the aches, pains, and trials of early, middle, and later life by maintaining the 16 body elements in the proportions ordained by nature.

On February 19, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22200. Misbranding of Reducine. U. S. v. 5 Cans of Reducine. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31892. Sample no. 33300-A.)

Examination of a sample of Reducine showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On January 27, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cans of Reducine at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about November 1 and November 30, 1933, by the Reducine Co., from Otsego, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of tar, potassium iodide (2.26 percent), an iron compound, and soap.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the booklet shipped with the article, were false and fraudulent: "Nail in foot * * * the foot of a horse is seldom clean or free from dirt that may contain germs so that nail or calk wounds call for the right kind of treatment without delay. If the following directions are carried out promptly and carefully they will prove effective in practically every case where a nail has penetrated the foot of a horse. * * * Quittor * * * Quittor is caused by anything that starts the formation of pus or matter inside the hoof—a bruise, the prick of a nail, sometimes a bad corn * * * Reducine is very effective in relieving conditions found in such cases of Quittor * * * Fistula * * * Withers and Poll Evil."

On March 20, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

22201-22300

[Approved by the Acting Secretary of Agriculture, Washington, D.C., October 31, 1934]

22201. Adulteration of oysters. U. S. v. Gordon Milbourne and Morris Milbourne (Milbourne Oyster Co.). Pleas of nolo contendere. Judgment of guilty. Fine, \$75 and costs. (F. & D. no. 29373. I.S. nos. 45728, 46015, 47553.)

This case was based on shipments of oysters which contained an excessive amount of water.

On May 2, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Gordon Milbourne and Morris Milbourne, copartners trading as Milbourne Oyster Co., Crisfield, Md., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about November 17, November 18, and November 21, 1931, from the State of Maryland into the States of Ohio, North Carolina, and Missouri, respectively, of quantities of oysters which were adulterated. Certain of the shipments were labeled, "Moco Brand Oysters."

It was alleged in the information that the article was adulterated in that excessive water had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength; in that excessive water had been substituted in part for the article; and in that oyster solids, a valuable constituent of the article, had been in part abstracted.

On May 2, 1934, pleas of nolo contendere were entered, and the court found the defendants guilty and imposed a fine of \$75 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22202. Adulteration of canned salmon. U. S. v. Copper River Packing Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 30306. Sample nos. 15056-A, 15235-A, 15244-A, 15281-A, 25972-A.)

Sample cans of salmon taken from the shipment involved in this case were found to be tainted or stale.

On December 18, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Copper River Packing Co., a corporation, Seattle, Wash., alleging shipment by said company on or about August 6, 1932, from the Territory of Alaska into the State of Washington, of quantities of salmon which was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On April 16, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22203. Misbranding of sirup. U. S. v. Bliss Syrup & Preserving Co. Plea of guilty. Fine, \$120. (F. & D. no. 30328. Sample nos. 2133-A, 2144-A, 2148-A, 2245-A, 2246-A, 2247-A.)

This case was based on several interstate shipments of a product represented to consist of cane-flavored sirup. Examination showed that it was lacking in cane flavor and that the cans contained less than the amount declared on the label.

On or about February 27, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Bliss Syrup & Preserving Co., a corporation, Kansas City, Mo., alleging shipment by said company on or about April 6 and June 13, 1932, from the State of Missouri into the State of Texas, and on or about June 22 and May 23, 1932, from the State of Missouri into the State of Colorado, of quantities of sirup which was misbranded. The article was labeled in part: "Bliss Pan Cake Brand Cane Flavor Syrup, * * * Net Weight 5 Lbs. [or "Net Weight 2 Lbs. 8 Oz."] Bliss Syrup & Preserving Co. Kansas City, Mo. A Delicious Blend of Corn Syrup and Refiners Syrup."

It was alleged in the information that the article was misbranded in that the statements, "Pan Cake Syrup Cane Flavor", borne on the can labels, the statement, "Net Weight 5 Lbs.", borne on the labels of certain of the cans, and the statement, "Net Weight 2 Lbs. 8 oz.", borne on the labels of the remainder of the cans, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since corn sirup predominated in its composition and was its predominant flavor, and the cans contained less than labeled. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were incorrect.

On March 20, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$120 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22204. Misbranding of flour. U. S. v. 411 Bags of Flour. Product released under bond pending trial of issues. Tried to the court. Judgment and decree for the Government. (F. & D. no. 30611. Sample no. 46484-A.)

Sample sacks of flour taken from the shipment involved in this case were found to contain less than the labeled weight.

On June 15, 1933, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 411 bags of flour at Jennings, La., alleging that the article had been shipped in interstate commerce, on or about May 18, 1933, by the Texas Star Flour Mills, from Galveston, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Texas Star Flour Mills Tidal Wave Flour Galveston Texas, Bleached 24 Lbs. Net."

It was alleged in the libel that the article was misbranded in that the statement "24 Lbs. Net" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On July 6, 1933, the Texas Star Flour Mills having filed a claim for the property and having executed a good and sufficient bond, the product was ordered released by the court in order to prevent its waste and destruction. On March 1, 1934, the case having come on for trial before the court, and the evidence and arguments of counsel having been heard, the following opinion was handed down (Dawkins, J.):

"This is a proceeding under the Pure Food and Drug Act, in which certain flour was seized and sought to be condemned because of its alleged misbranding, in that it was short in weight, each sack or bag containing substantially less than the twenty-four pounds stamped thereon. After seizure, the Texas Flour Mills, of Galveston, Tex., appeared and without admitting the shortage, applied to bond the seizure for the purpose of re-weighing and re-stamping it, if necessary, in order to conform to the law. The agents of the Government refused to participate in this course, unless the claimant would admit or confess the violation of the law, and inasmuch as the term of court in the division where the matter arose had been held and there would be no sitting until the middle of December, the court permitted the claimant, notwithstanding the objection of the agents of the Department of Agriculture, to release the flour on bond, on condition that it be reweighed and the correct weight stamped thereon. This was done, the flour was turned over to the claimant and has been disposed of. The matter has now been submitted to the court, after a waiver of the jury, upon an agreed statement of facts and other evidence. I find the facts as stated in the stipulation and as follows:

"The flour was shipped from Galveston, Tex., to Jennings, La., on May 17, 1933, and reached the latter place on May 20. On May 26 it was inspected by an agent of the Department of Agriculture, who weighed some of the sacks and found that they were short not to exceed 5 ounces to the bag. They were all reweighed after this proceeding was instituted in compliance with the terms of the order permitting the bonding, and showed an average shortage of 4.62 ounces per sack of 22 pounds. Out of the total of 462 bags, 41, or less than 10 percent, contained 24 pounds or more, and only 5 came up to the 24 pounds and 3 ounces, adopted as standard in the reweighing.

"On the day the inspector weighed the sample sacks, prior to seizure, to-wit, May 26, the report of the weather bureau for Jennings showed a rainfall there of 2.77 inches. This was only 9 days after the shipment from Galveston on May 17, and the distance between those points is comparatively short. While it is not specifically shown in the proof, we take it, in view of the quantity, the shipment must have been made in a box car which went to destination without further handling except the unloading. It is a fact that the weight of flour is influenced by climatic conditions, particularly moisture and the extent to which it is handled. However, in this case, it was promptly inspected; that is within 6 days after its arrival at destination and on a day when there was a heavy rain at Jennings. It does not seem reasonable that there could have been a loss of approximately 5 ounces to the sack, had they been up to the requirement when shipped. It is significant that more than 90 percent of the bags were below weight where less than 10 percent came up to standard. Counsel contends that the weather was hot and dry during the months of May, June, and July, 1933. From the 20th to the end of May, it averaged about 90° and rained 5 out of 11 days, a total of 4.24 inches. During June the weather averaged a little warmer and the precipitation was 3.63 inches, it having rained as follows: On the 10th, 1.72 inches; the 11th, 0.34 inches; the 12th, 0.73 inches; the 21st, 0.04 inches; the 26th, 0.08 inches; and the 28th, 0.72 inches; there was no more rain until July 9, when 0.10 inch fell, yet the average weight of the entire lot of flour on the 10th of that month was short approximately the same amount per sack as those weighed by the inspector on May 26. It is true that an officer of the company testified as to the method of weighing, testing the sacks, etc., but I do not believe this sufficient to overcome the other facts which I have mentioned. The rules of the Kansas City Board of Trade were introduced in evidence, showing a permissible 'variation' in the trade of 2 percent; whereas in this instance the average shortage was 1.017 percent. However, the trouble here is that there was very little 'variation' and more than 90 percent was short. The officers of the claimant were asked by the attorney for the Government why some allowance was not made for climatic conditions and for loss from handling, and the point appears to have been evaded by the consistent answer that it was impossible to tell how much weight would be lost from those causes, because of the drying out of moisture, handling, etc. Not once did they state that any allowance was made for these factors, although they were well recognized in the trade. It seems to have been the view of the claimant that it should place only the exact amount of 24 pounds in the bags when packing for shipment, although the Government regulations permitted a moisture content of 15 percent and the consumer would be left to absorb whatever shortage there might be if it dried out or was lost from ordinary handling. In this instance, however, I do not think it reasonable, under the circumstances, that the flour could have lost so consistently the amount which was shown.

"There will be judgment for the plaintiff condemning the claimant to pay costs with the right of the Government to proceed against the release bond if not paid.

"Proper decree should be presented."

On May 28, 1934, judgment for costs was entered against the claimant.

M. L. WILSON, *Acting Secretary of Agriculture.*

22205. Misbranding of flour. U. S. v. 200 Bags and 160 Bags of Flour.
Product released under bond to be repacked or relabeled. (F. & D. no. 30612. Sample nos. 46496-A, 46500-A.)

Sample sacks of flour taken from the shipment involved in this case were found to contain less than the weight declared on the label.

On June 15, 1933, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 bags of flour at

Lake Charles, La., alleging that the article had been shipped in interstate commerce, on or about June 2, 1933, by the American Maid Flour Mills from Houston, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "American Maid Flour American Maid Flour Mills, Houston, Texas, 24 Lbs. Net, Bleached Flour"; or "Majesty Flour American Maid Flour Mills, Houston, Texas, 6 lbs. net Bleached."

It was alleged in the libel that the article was misbranded in that the statements, "24 Lbs. Net" and "6 Lbs. Net", borne on the labels, were false and misleading and deceived and misled the purchaser, since the bags contained less than the declared weights. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On July 11, 1933, the American Maid Flour Mills having appeared as claimant for the property, a decree was entered permitting the claimant to take the product down under a bond in the sum of \$250, the conditions of which required that costs be paid and that the flour be repacked or relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22206. Adulteration of canned shrimp. U. S. v. 100 Cases and 30 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30782. Sample no. 41607-A.)

This case involved a shipment of canned shrimp which was in part decomposed.

On July 29, 1933, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 130 cases of canned shrimp at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about June 10, 1933, by the Aughinbaugh Canning Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Nigger Bead Brand Shrimp Distributed by Aughinbaugh Canning Co., Baltimore, Md."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On March 31, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22207. Adulteration and misbranding of Old English Punch Maker. U. S. v. 664 Packages of Old English Punch Maker. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31022. Sample nos. 37097-A, 54822-A.)

This case involved a product labeled to convey the impression that when used as a beverage base it would give the distinctive flavor of strawberry or raspberry. Examination showed that the articles contained undeclared artificial color and that when used as directed did not possess the flavors of the said fruits. Examination also showed that the statement of the quantity of the contents was not clear and distinct.

On or about March 8, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 664 packages of Old English Punch Maker at Portland, Oreg., alleging that the article had been shipped in interstate commerce by the Western Sales Corporation from Seattle, Wash., in various shipments, on or about June 1, July 20, and August 10, 1933, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled: "Old English Punch Maker Raspberry [or "Strawberry"]."

It was alleged in the libel that the article was adulterated in that artificially colored mixtures of sugar and acid containing no fruit flavor, or a negligible amount of fruit flavor, had been substituted for a beverage base containing fruit flavors, and for the further reason that the article had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the carton and in the circular, "Punchmaker Strawberry [or "Raspberry"] Flavor", were false and misleading and deceived and misled the purchaser. Misbranding

was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles, and for the further reason that they were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On April 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22208. Adulteration of canned turnip greens. U. S. v. 78 Cases of Canned Turnip Greens. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31044. Sample no. 49682-A.)

This case involved a shipment of canned turnip greens which were found to be in part decomposed.

On September 2, 1933, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 78 cases of canned turnip greens at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about August 15, 1933, by C. W. Barnett from Batesville, Ark., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Miss-Lou Brand Fancy Turnip Greens * * * Packed by Dorgan McPhillips Packing Corp., Mobile, Ala."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On March 31, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22209. Adulteration of canned salmon. U. S. v. 1,780 Cases of Canned Salmon. Portions released upon payment of costs. Remainder condemned and forfeited, and released under bond for separation and destruction of unfit salmon. (F. & D. no. 31134. Sample nos. 55307-A, 55320-A.)

This case involved a shipment of canned salmon variously coded. Samples taken from certain of the codes were found to be decomposed.

On September 21, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,780 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about July 29, 1933, by the Cook Inlet Packing Co., from Seldovia, Alaska, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

The Cook Inlet Packing Co., Seattle, Wash., filed a claim for the property and all lots, with the exception of 571 cases covered by one code, were ordered released upon payment of costs. On April 16, 1934, judgment was entered condemning and forfeiting this remaining lot, and it was ordered by the court that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$750, conditioned that the decomposed portions be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22210. Adulteration of canned shrimp. U. S. v. 50 Cases, 1,380 Cases, and 928 Cases of Canned Shrimp. Consent decrees of condemnation and forfeiture. Product released under bond for elimination of unfit portions. Rejected portions delivered to Bureau of Fisheries for use as fish food. (F. & D. nos. 31156, 31550. Sample nos. 43596-A, 51176-A, 51177-A.)

These cases involved shipments of canned shrimp which was found to be in part decomposed.

On September 25 and November 8, 1933, the United States attorney for the Northern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,358 cases of canned shrimp at Albany, N.Y., alleging that the article had been shipped in interstate commerce, in two consignments, on or about September 12 and September 29, 1933, by the C. B. Foster Packing Co., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The product,

with the exception of 50 cases, was labeled: (Can) "Miss-Lou Brand * * * Shrimp Packed by C. B. Foster Packing Co., Inc., Biloxi, Miss." The product in the said 50 cases was labeled: (Can) "Omeca Brand Wet Shrimp."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 23, 1934, the C. B. Foster Packing Co., Inc., Biloxi, Miss., and the Wille-Dahl Co., Inc., Syracuse, N.Y., claimants, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimants upon payment of costs and the filing of bonds totaling \$2,500, conditioned that the decomposed portions be separated from the portions fit for human consumption. On April 26, 1934, decrees were entered ordering that the rejected portions be delivered to the Bureau of Fisheries for use as fish food.

M. L. WILSON, *Acting Secretary of Agriculture.*

22211. Adulteration of canned shrimp. U. S. v. 600 Cases, et al., of Canned Shrimp. Consent decree of condemnation. Product released under bond. (F. & D. nos. 31175 to 31182, incl. Sample no. 49903-A.)

This case involved a shipment of canned shrimp which was found to be in part decomposed.

On September 28, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,253 cases of canned shrimp, in various lots at Buffalo, Niagara Falls, Olean, Jamestown, and Rochester, N.Y., alleging that the article had been shipped in interstate commerce on or about September 1, 1933, by the De Jean Packing Co., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "My-T-Good Brand Shrimp * * * Packed by De Jean Packing Co., Biloxi, Miss."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 11, 1934, the De Jean Packing Co. having appeared as claimant for the property and the cases having been consolidated into one cause of action, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$4,000, conditioned that only those portions which were free from decomposition might be sold for human consumption.

M. L. WILSON, *Acting Secretary of Agriculture.*

22212. Adulteration of canned shrimp. U. S. v. 225 Cartons and 38 Cartons of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31208. Sample nos. 48992-A, 48994-A.)

This case involved a shipment of canned shrimp which was found to be in part decomposed.

On October 4, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 263 cartons of canned shrimp at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 22, 1933, by Gulf Foods, Inc., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Gulf Baby Brand Shrimp Dry Pack * * * Packed by Gulf Foods, Inc., Biloxi, Miss." The remainder were labeled in part: "Honey Island Brand * * * Shrimp Packed by Garner Packing Co., Inc., Gulfport, Miss."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22213. Adulteration of canned shrimp. U. S. v. 750 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31241. Sample no. 44485-A.)

This case involved an interstate shipment of canned shrimp which was found to be in part decomposed.

On October 13, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 750 cases of canned shrimp at Oakland, Calif., alleging that the article had been shipped in interstate commerce, on or about September 16, 1933, by the C. B. Foster Packing Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Miss-Lou Brand Dry Pack Shrimp * * * Packed by C. B. Foster Packing Co., Inc., Biloxi, Miss."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 17, 1934, the C. B. Foster Packing Co., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the execution of a bond in the sum of \$2,500, conditioned that it should not be disposed of contrary to the provisions of the Federal Food and Drugs Act, and it was further ordered that claimant pay costs of the proceedings.

M. L. WILSON, *Acting Secretary of Agriculture.*

22214. Adulteration of canned shrimp. U. S. v. 817 Cases of Canned Shrimp. Consent decree of destruction. (F. & D. no. 31272. Sample no. 41149-A.)

This case involved a shipment of canned shrimp which was found to be in part decomposed.

On October 25, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 817 cases of canned shrimp at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about August 29, 1933, by the Dorgan McPhillips Packing Corporation, from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gulf Kist Brand Shrimp * * * Packed by Dorgan McPhillips Packing Corp. Mobile, Ala."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 23, 1934, the Dorgan McPhillips Packing Corporation, the sole intervener, having consented to the entry of a decree, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22215. Adulteration of canned tomatoes. U. S. v. 978 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 31296. Sample no. 46768-A.)

Sample cans of tomatoes taken from the shipment involved in this case were found to contain insect larvae.

On October 30, 1933, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 978 cases of canned tomatoes at Lake Charles, La., alleging that the article had been shipped in interstate commerce, on or about September 25, 1933, by A. W. Sisk & Son, of Preston, Md., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Hinton's Brand Hand Packed Tomatoes * * * Packed by I. D. Hinton & Son, Brown's Store, Va."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy vegetable substance.

On April 6, 1934, Ira D. Hinton & Son, Brown's Store, Va., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the unfit portion be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22216. Adulteration of canned shrimp. U. S. v. 250 Cases of Canned Shrimp. Default decree of condemnation and forfeiture. Product delivered to fish hatcheries for use as fish food. (F. & D. no. 31299. Sample no. 51331-A.)

This case involved a shipment of canned shrimp which was found to be in part decomposed.

On October 31, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 250 cases of canned shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about September 23, 1933, by the Garner Packing Co., from Gulfport, Miss., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the Bureau of Fisheries for use as fish food.

M. L. WILSON, *Acting Secretary of Agriculture.*

22217. Adulteration of canned salmon. U. S. v. Copper River Packing Co. Plea of guilty. Fine, \$240 and costs. (F. & D. no. 31350. Sample nos. 2194-A, 9296-A, 13317-A, 13325-A, 14646-A, 16151-A, 16160-A, 22542-A, 22550-A, 28085-A.)

On March 19, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Copper River Packing Co., Seattle, Wash., alleging that the defendant company had shipped, between the dates of August 22, 1932, and October 4, 1932, from the State of Washington into the States of Utah, Maine, Texas, California, Kansas, Virginia, and Colorado, through an agent, quantities of canned salmon which was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Happy Vale Brand Pink Salmon * * * Packed for Emery Food Co., Chicago."

The information charged adulteration in that certain lots consisted in part of a decomposed animal substance, and that the remaining lots consisted in part of a decomposed and putrid animal substance.

On April 16, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$240 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22218. Adulteration and misbranding of canned peas. U. S. v. 100 Cartons of Canned Peas. Default decree of condemnation and destruction. (F. & D. no. 31262. Sample no. 40227-A.)

This case involved an interstate shipment of canned peas which were found to contain larvae of the pea weevil. The article was also below the standard for canned peas established by this Department, because of the presence of an excessive proportion of hard peas, and was not labeled to indicate that it was substandard.

October 21, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cartons of canned peas at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 27, 1933, by the Snider Packing Corporation, from Canandaigua, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Crystal Brand Sweet Mellow Peas."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of an excessive number of hard peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On March 14, 1934, the sole intervener having withdrawn its appearance, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22219. Adulteration of apples. U. S. v. Ernest H. Pfaff and Frank Pado-sheck (Western Fruit Corporation). Plea of nolo contendere. Fine, \$10. (F. & D. no. 31340. Sample no. 18038-A.)

This case was based on an interstate shipment of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On December 19, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in

the district court an information against Ernest H. Pfaff and Frank Padosheck, a copartnership trading under the name of the Western Fruit Corporation, Wenatchee, Wash., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about October 12, 1932, from the State of Washington into the State of Montana, of a quantity of apples which were adulterated.

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On April 2, 1934, a plea of *nolo contendere* was entered on behalf of the partnership, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

22220. Adulteration of canned salmon. U. S. v. The Skowl Arm Packing Co. Plea of guilty. Fine, \$50. (F. & D. no. 31362. Sample nos. 25855-A, 25857-A, 26035-A, 26069-A, 26086-A, 26087-A.)

This case was based on shipments of canned salmon which was found to be in part decomposed.

On February 5, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Skowl Arm Packing Co., a Washington corporation, trading at Skowl Arm, Alaska, alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 3 and September 7, 1932, from Alaska into the State of Washington, of quantities of canned salmon which was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 30, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22221. Adulteration of butter. U. S. v. Gowrie Cooperative Creamery Association. Plea of guilty. Fine, \$25. (F. & D. no. 31402. Sample no. 32516-A.)

This case was based on an interstate shipment of butter which contained less than 80 percent of milk fat.

On April 9, 1934, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Gowrie Cooperative Creamery Association, a corporation, Gowrie, Iowa, alleging shipment by said company in violation of the Food and Drugs Act, on or about May 7, 1933, from the State of Iowa into the State of New York, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of March 4, 1923, which the article purported to be.

On April 9, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22222. Adulteration of black walnut meats. U. S. v. Alfred Estel Smalley (General Nut Co.). Plea of guilty. Fine, \$25. (F. & D. no. 31407. Sample no. 2460-A.)

This case was based on an interstate shipment of black walnut meats which were found to be in large part acrid, bitter, and rancid.

On January 20, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Alfred Estel Smalley, trading as the General Nut Co., Kansas City, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about September 24, 1932, from the State of Missouri into the State of Colorado, of a quantity of black walnut meats which were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a decomposed and putrid vegetable substance.

On April 2, 1934, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22223. Misbranding of cottonseed screenings. U. S. v. Muskogee Cotton Oil Co. Plea of guilty. Fine, \$50. (F. & D. no. 31409. Sample no. 19821-A.)

This case was based on an interstate shipment of cottonseed screenings which contained less protein and more crude fiber than declared on the label.

On February 23, 1934, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Muskogee Cotton Oil Co., a corporation, Muskogee, Okla., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 26, 1932, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed screenings which were misbranded. The product was tagged with two different tags, one reading in part: "Red Seal Brand Cotton Seed Cake and Meal * * * Guaranteed Analysis Protein not less than 43 per cent, * * * Crude Fiber not more than 12 Per cent, * * * Manufactured by and For Muskogee Cotton Oil Company, Muskogee, Oklahoma", the other reading in part: "Equity Brand Cottonseed Cake and Meal * * * Guaranteed Analysis Protein not less than 43% * * * Crude Fiber not more than 12%, * * * Manufactured for Feeders Supply and Mfg. Co. * * * Kansas City, Mo."

It was alleged in the information that the article was misbranded in that the statements, "Guaranteed Analysis Protein not less than 43 per cent * * * Crude Fiber not more than 12 per cent", borne on the tags, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained not more than 40.44 percent of protein, and not less than 14.91 percent of crude fiber.

On April 3, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22224. Adulteration of canned tomato puree. U. S. v. Holley Canning Co. Plea of guilty. Fine, \$25. (F. & D. no. 31412. Sample no. 32137-A.)

This case was based on an interstate shipment of canned tomato puree which contained excessive mold.

On February 5, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Holley Canning Co., a corporation, Holley, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 4, 1933, from the State of New York into the State of Pennsylvania, of a quantity of canned tomato puree which was adulterated. The article was labeled in part: "Holleyripe Brand Puree Tomatoes HCCo. Packed by Holley Canning Co., Holley, N. Y."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On April 3, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22225. Adulteration and misbranding of butter. U. S. v. William W. Barnum (McKean County Creamery). Plea of guilty. Fine, \$50. (F. & D. no. 31421. Sample no. 40078-A.)

This case was based on an interstate shipment of butter which contained less than 80 percent by weight of milk fat and which was also short weight.

On February 26, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William W. Barnum, trading as the McKean County Creamery, Smethport, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about April 24, 1933, from the State of Pennsylvania into the State of New York, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "1 Lb. Net Weight * * * Butter."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk as required by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the statements, "Butter" and "1 Lb. Net Weight", borne on the packages, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 80 percent of milk fat, the standard

for butter established by act of Congress, and the packages contained less than 1 pound net.

On March 19, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22226. Adulteration and misbranding of butter. U. S. v. Brooklawn Creamery Co. Plea of guilty. Fine, \$32. (F. & D. no. 31438. Sample nos. 17232-A, 17233-A, 20325-A, 23163-A.)

This case was based on interstate shipments of butter which contained less than 80 percent by weight of milk fat.

On March 24, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Brooklawn Creamery Co., a corporation, Salt Lake City, Utah, alleging shipment by said company in violation of the Food and Drugs Act, on or about September 9, 1932, and May 27, 1933, from the State of Utah into the State of California, and on or about May 4, 1933, from the State of Utah into the State of Nevada, of quantities of butter which was adulterated and misbranded. The article was labeled in part, variously: "Brooklawn Pasteurized Butter Guaranteed By Brooklawn Creamery Co., Salt Lake City, Utah"; "Meadow Valley Butter * * * Packed especially for Ben Valle Co. Los Angeles, Calif."; "Little Lake Creamery Brand Butter * * * Put up for Little Lake Creamery."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the statement, "Butter" borne on the labels, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 80 percent of milk fat, the standard for butter established by act of Congress.

On April 21, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$32.

M. L. WILSON, *Acting Secretary of Agriculture.*

22227. Adulteration of dried figs. U. S. v. Henry J. Giebelier (H. J. Giebelier, Giebelier's Fig Gardens). Plea of guilty. Fine, \$50. (F. & D. no. 31440. Sample nos. 12954-A, 25980-A, 25981-A.)

This case was based on interstate shipments of dried figs which were found to be in part insect-infested, moldy, or sour.

On March 5, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry J. Giebelier, trading as H. J. Giebelier and as Giebelier's Fig Gardens, alleging shipment by said defendant on or about October 12 and November 16, 1932, from the State of California into the State of Washington, of quantities of dried figs which were adulterated. The article was labeled in part: "Calimyrna Figs Sun Dried [or "White California Figs"] Washed and Ready to Eat. Packed by Giebelier's Fig Gardens, Merced, Calif."

It was alleged in the information that the article was adulterated in that it consisted in part of decomposed and filthy vegetable and animal substances, the animal substances consisting of dead worms and beetles and excreta from worms.

On April 2, 1934, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and ordered that the defendant stand committed to a county jail for nonpayment, which commitment was suspended for 2 years on condition that he refrain from violating any laws of the United States, particularly those relating to the pure food laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

22228. Adulteration of canned salmon. U. S. v. Libby, McNeill & Libby. Plea of guilty. Fine, \$450 and costs. (F. & D. no. 31463. Sample nos. 14837-A, 14839-A, 14840-A, 25876-A, 25882-A, 25886-A, 26039-A, 26041-A.)

This case was based on shipments of canned salmon which was found to be in part decomposed.

On February 28, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed

in the district court an information against Libby, McNeill & Libby, a corporation, having a place of business at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 24, July 25, and August 23, 1932, from Alaska into the State of Washington, of quantities of salmon which was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On March 19, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$450 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22229. Misbranding of cottonseed meal and cake. U. S. v. Sweetwater Cotton Oil Co. Plea of guilty. Fine, \$50. (F. & D. no. 31466. Sample nos. 28154-A, 35927-A.)

This case was based on interstate shipments of cottonseed meal and cake which contained less protein than declared on the label.

On March 9, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sweetwater Cotton Oil Co., a corporation, Sweetwater, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 10, 1933, in the name of the Rotan Cotton Oil Mill, Rotan Tex., from the State of Texas into the State of Colorado, and on or about February 8, 1933, in its own name from the State of Texas into the State of New Mexico, of quantities of cottonseed meal and cottonseed cake which were misbranded. The articles were labeled in part: (Tags) "43.00 per cent Protein Cottonseed Meal [or "Sweetco Quality 43 per cent Protein Cottonseed Cake or Meal"] Prime Quality Manufactured For Sweetwater Cotton Oil Company Sweetwater, Texas Guaranteed Analysis Crude Protein not less than 43.00 per cent."

It was alleged in the information that the article was misbranded in that the statements, "43.00 per cent Protein Cottonseed Meal [or "43 per cent Protein Cottonseed Cake or Meal"] Guaranteed Analysis Crude Protein not less than 43.00 per cent", borne on the tags, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since they contained less than 43 percent of protein.

On April 5, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22230. Adulteration and misbranding of vinegar. U. S. v. The Banner Vinegar Co. Plea of guilty. Fine, \$50. (F. & D. no. 31476. I.S. no. 47807.)

This case was based on an interstate shipment of a product sold as cider vinegar, but which was found to consist of evaporated apple products vinegar. Examination also showed that the acidity was lower than represented.

On December 22, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Banner Vinegar Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 20, 1931, from the State of Ohio into the State of Kentucky, of a quantity of vinegar which was adulterated and misbranded. The article was invoiced as "4100 gals. 48 Gr. Pure Cider Vinegar."

It was alleged in the information that the article was adulterated in that evaporated apple products vinegar had been substituted for pure cider vinegar; and for the further reason that a product containing less than 48 grains of acid had been substituted for pure cider vinegar containing 48 grains acid, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On April 11, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22231. Adulteration and misbranding of frozen mixed eggs. U. S. v. Jay G. Odell (J. G. Odell Co.). Plea of guilty. Fine, \$25. (F. & D. no. 31481. Sample nos. 27121-A, 33978-A.)

This case was based on two shipments of frozen mixed eggs, one of which was in part decomposed, samples having been found to be putrid, sour, or stale. The remaining lot contained added egg whites.

On April 3, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Jay G. Odell, trading as J. G. Odell Co., St. Paul, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about January 8, 1932, from the State of Minnesota into the State of Wisconsin, and on or about October 3, 1932, from the State of Minnesota into the State of New York, of quantities of frozen mixed eggs that were adulterated, and a portion of which was also misbranded. The article was labeled in part: "Odell Fine Northern Mixed Eggs * * * St. Paul."

It was alleged in the information that one of the lots was adulterated in that it consisted in part of a decomposed and putrid animal substance. Adulteration of the remaining lot was alleged for the reason that a product, whole mixed eggs and extra egg whites, had been substituted for mixed whole eggs which the article purported to be.

Misbranding of the portion of the article containing added egg whites was alleged for the reason that the statement, "Mixed Eggs", borne on the can, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that it consisted solely of whole eggs, whereas it consisted of whole eggs to which had been added extra egg whites.

On April 3, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22232. Adulteration of canned shrimp. U. S. v. 72 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31536. Sample no. 55028-A.)

This case involved a shipment of canned shrimp which was in part decomposed.

On November 3, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 cases of canned shrimp at Yakima, Wash., alleging that the article had been shipped in interstate commerce on or about August 12, 1933, by the Mavar Fish & Oyster Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Olivia Brand Small Shrimp."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 13, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22233. Misbranding of olive oil. U. S. v. 39 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31560. Sample no. 51333-A.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the labeled volume.

On November 8, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 cans of olive oil at Newark, N.J., alleging that the article had been shipped in interstate commerce on or about June 6, 1933, by the Uddo-Taormina Corporation, from Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Francescani Brand Imported Virgin Olive Oil Contents 1 Gallon."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 1 Gallon", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 12, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22234. Adulteration of canned shrimp. U. S. v. 99 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31564. Sample no. 54955-A.)

This case involved a shipment of canned shrimp which was found to be in part decomposed.

On or about November 13, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cases of canned shrimp at Yakima, Wash., alleging that the article had been shipped in interstate commerce, on or about September 23, 1933, by the Biloxi Canning & Packing Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Olivia Brand Small Shrimp * * * Packed by Mavar Fish and Oyster Company, Biloxi, Miss."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 12, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22235. Adulteration of canned shrimp. U. S. v. 100 Cases and 198 Cases of Canned Shrimp. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31566, 31567. Sample nos. 54953-A, 54956-A.)

These cases involved a shipment of canned shrimp which was found to be in part decomposed. The article also was falsely labeled as to the name of the manufacturer.

On November 10, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 298 cases of canned shrimp at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about September 23, 1933, by the Biloxi Canning & Packing Co., Inc., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "B-C-P Brand Shrimp [or 'Fountain's Choice Brand Shrimp'] * * * Packed by Biloxi Canning & Packing Co., Inc., Biloxi, Miss."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

Misbranding was alleged for the reason that the statement on the label, "Packed by Biloxi Canning and Packing Co., Inc.", was false and misleading and deceived and mislead the purchaser, since the goods were packed by the Mississippi Coast Packing Co.

On April 19, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22236. Adulteration of tomato puree. U. S. v. 2,000 Cases of Tomato Puree. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 31570. Sample nos. 43695-A, 43696-A.)

Examination of samples of tomato puree taken from the shipment in this case showed the presence of tomato rot.

On November 13, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,000 cases of tomato puree at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about October 6, 1933, by the St. Marys Packing Co., from St. Marys, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "The Famous Royal Scarlet Brand Tomato Puree."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 9, 1934, the St. Marys Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$3,500, conditioned that the portion found to be unfit for human consumption be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22237. Adulteration of canned shrimp. U. S. v. 87 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31685. Sample no. 57879-A.)

This case involved a shipment of canned shrimp which was found to be in part decomposed.

On December 6, 1933, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 87 cases of canned shrimp at Memphis, Tenn., alleging that the article had been shipped in interstate commerce, on or about October 14, 1933, by the Luce Packing Co., of Lucedale, Miss., from Evanston, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Oleander Brand Shrimp * * * Packed by Mexican Gulf Packing Co., Inc., Pascagoula, Miss."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On March 31, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22238. Adulteration of butter. U. S. v. 1 Can of Packing Stock Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32354. Sample no. 56058-A.)

This case involved a shipment of butter which was found to be filthy.

On January 9, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of packing stock butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 5, 1933, by the Peter Fox Sons Co., Inc., from Princeton, Ky., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On February 27, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22239. Adulteration of butter. U. S. v. 3 Boxes of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32355. Sample no. 66121-A.)

This case involved a shipment of butter which was found to contain mold, fragments of feathers, larva, excreta, and insect eggs.

On January 19, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three boxes of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 10, 1934, by David Wallerstein & Co., from Richmond, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From David Wallerstein & Co., * * * Richmond, Va."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On February 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22240. Adulteration of butter. U. S. v. 10 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32356. Sample no. 66120-A.)

This case involved a shipment of butter which was found to contain mold, insect eggs, fragments of feathers, rodent hair, and other extraneous matter.

On January 17, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about January 10, 1934, by Woodlawn Farm Dairy Co., from Scranton, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Woodlawn Farm Dairy Co. * * * Scranton, Pa."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On February 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22241. Adulteration of butter. U. S. v. 1 Tin (117 Pounds) of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32363. Sample no. 67201-A.)

This case involved a shipment of butter which was found to contain clumps of mold and rodent hair.

On January 24, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 tin, containing 117 pounds of butter, at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about January 16, 1934, by Huneycutts Cash Store, from Oakboro, N. C., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Huneycutts Cash Store, Oakboro, N. C."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On February 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22242. Adulteration of butter. U. S. v. 1 Barrel (455 Pounds) of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32365. Sample no. 66119-A.)

This case involved a shipment of butter which was found to contain rodent and cow hairs and other extraneous matter.

On January 18, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about January 2, 1934, by the Fairmount Produce Co., from Fairmount, Ga., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On February 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22243. Adulteration of butter. U. S. v. 2 Barrels of Butter. Default decree of condemnation and forfeiture. Product ordered sold as inedible grease. (F. & D. no. 32367. Sample no. 54372-A.)

This case involved a shipment of butter which was low in milk fat. A sample taken from the product was found to contain rodent and cow hairs, particles of feathers and nondescript debris, mold, insects, a maggot, and fiber.

On January 29, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2 barrels of butter at Middletown,

Md., alleging that the article had been shipped in interstate commerce, on or about January 11, 1934, by Faunce & Brooke Co., from Washington, D. C., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Faunce & Brooke Co., * * * Washington, D. C."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923. Adulteration was alleged for the further reason that the article consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On March 15, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold as a deteriorated product to be used as inedible grease.

M. L. WILSON, *Acting Secretary of Agriculture.*

22244. Adulteration of butter. U. S. v. 23 Cases and 20 Pounds of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32368. Sample no. 55694-A.)

This case involved a shipment of butter which was found to be filthy.

On January 24, 1934, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cases and 20 pounds of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about January 2, 1934, by the Carthage Creamery Co., from Carthage, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance, which rendered it unfit for food.

On March 31, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22245. Adulteration of butter. U. S. v. 20 Cases of Beechwood Creamery Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32370. Sample no. 55697-A.)

This case involved a shipment of butter which was found to contain filth.

On January 27, 1934, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about December 30, 1933, by the Beatrice Creamery Co., from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Beechwood Creamery Butter"; (case) "From Beatrice Creamery Company."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance, which rendered it unfit for food.

On March 31, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22246. Adulteration of butter. U. S. v. 70 Pounds of Packing Stock Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32373. Sample no. 59222-A.)

On January 23, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 pounds of butter at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about January 11, 1934, by C. G. Perkins, from Corinth, Miss., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On March 17, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22247. Adulteration of butter. U. S. v. 12 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32375. Sample no. 59738-A.)

This case involved a shipment of butter which was found to contain filth.

On January 31, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 4, 1933, by George Freeses' Sons Co., from Fostoria, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From the George Freeses' Sons Co."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 23, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22248. Adulteration of butter. U. S. v. 3 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32378. Sample no. 61946-A.)

This case involved a shipment of butter which was found to contain mold, dirt, dust, and other extraneous matter.

On February 23, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about January 30, 1934, by the Kent Dairy Products Corporation, from West Plains, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22249. Adulteration of butter. U. S. v. 20 Barrels of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32379. Sample no. 61947-A.)

This case involved a shipment of butter which contained ants, parts of insects, human hairs, mold, and other extraneous matter.

On February 14, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 barrels of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about December 1, 1933, by the Lexington Creamery, from Lexington, Miss., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22250. Adulteration and misbranding of potatoes. U. S. v. 360 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. no. 32554. Sample no. 64402-A.)

This case involved an interstate shipment of potatoes represented to be United States grade No. 1, but which were found to contain excessive grade defects.

On April 18, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 sacks of potatoes at Lafayette, Ind., alleging that the article had been shipped in interstate commerce on or about April 4, 1934, by Diercks & Son, from Custer, Wis.,

to Chicago, Ill., and subsequently re-consigned to Lafayette, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Wisc. Potatoes United States Grade No. 1 * * * Diercks & Sons, Antigo, Wisconsin."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated on the label had been substituted in whole or in part for the article described on the label.

Misbranding was alleged for the reason that the statement on the label, "United States Grade No. 1", was false and misleading and tended to deceive and mislead the purchaser.

On April 23, 1934, Diercks, Huxtable & Baldwin, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22251. Misbranding of cottonseed meal. U. S. v. Andrew C. Dunklin, Wm. B. Dunklin, Laura F. Dunklin, Irby W. Dunklin, and Richard E. Lillard, a partnership trading as the Fort Smith Cotton Oil Co. Plea of guilty on behalf of partnership. Fine, \$150. (F. & D. no. 29483. I.S. nos. 47494, 47499, 50954.)

This case was based on interstate shipments of three lots of cottonseed meal. Sample sacks taken from each of the lots were found to be short weight; one of the lots also was found to contain less than 43 percent of protein, the amount declared on the label.

On March 20, 1933, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Andrew C. Dunklin, Wm. B. Dunklin, Laura F. Dunklin, Irby W. Dunklin, and Richard E. Lillard, a partnership trading as Fort Smith Cotton Oil Co., Fort Smith, Ark., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about January 5, February 22, and March 4, 1932, from the State of Arkansas into the State of Kansas, of quantities of cottonseed meal which was misbranded. The article was labeled in part: "100 Lbs. net. Prime 43% Cotton Seed Meal (Guaranteed Analysis) Crude Protein, min. 43.00% * * * Manufactured by Fort Smith Cotton Oil Co. Fort Smith, Arkansas."

It was alleged in the information that the article was misbranded in that the statement on the labels, "100 Lbs. net", with respect to all lots, and the statements "43% * * * (Guaranteed Analysis) Crude Protein, min. 43.00%", with respect to one lot, were false and misleading; and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since each of a large number of the sacks in all lots contained less than 100 pounds of the article, and the product in one of the lots contained less than 43 percent of protein.

On September 14, 1933, a plea of guilty was entered on behalf of the partnership, and the court imposed a fine of \$150.

M. L. WILSON, *Acting Secretary of Agriculture.*

22252. Adulteration of butter. U. S. v. 80 Tubs of Butter. Default decree of condemnation and forfeiture. Product ordered sold as inedible tallow. (F. & D. no. 31802. Sample no. 54473-A.)

This case involved a shipment of butter which contained mold, ants, fragments of flies and feathers, pieces of bran, clumps of paper, human hair, and nondescript debris.

On December 29, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 80 tubs of butter at Washington, D. C., alleging that the article had been shipped by Swift & Co., from Muskogee, Okla., on or about July 10, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Swift's Cake Butter."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy and decomposed animal substance.

On May 23, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court

that the product be sold by the United States marshal, provided that it first be converted into inedible tallow.

M. L. WILSON, *Acting Secretary of Agriculture.*

22253. Adulteration of butter. U. S. v. 10 Tubs of Butter. Default decree of condemnation and forfeiture. Product ordered sold as inedible tallow. (F. & D. no. 31813-B. Sample no. 54474-A.)

This case involved a shipment of butter which contained mold, rodent hairs, fragments of flies, cow hairs, metal filings, wood splinters, and nondescript debris.

On January 5, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 10 tubs of butter at Washington, D. C., alleging that the article was in the possession of the Terminal Refrigerating & Warehousing Corporation, stored for Mrs. C. R. Greer, Washington, D. C., and was being offered for sale in the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Jacob Beachy Aurora, West Virginia."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy and decomposed animal substance.

On May 21, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal, provided that it first be converted into inedible tallow.

M. L. WILSON, *Acting Secretary of Agriculture.*

22254. Adulteration of boneless herring. U. S. v. 1,248 Boxes of Smoked Boneless Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31745. Sample no. 54738-A.)

This case involved a shipment of boneless herring which was found to be moldy.

On December 18, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,248 boxes of smoked boneless herring at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 6, 1933, from Eastport, Maine, by McLaughlin Bros., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "Boneless Digby Chick * * * McLaughlin Bros. Seal Cove NB Canada."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22255. Misbranding of potatoes. U. S. v. Reedsburg Supply Co. Plea of guilty. Fine, \$10. (F. & D. no. 29462. I.S. no. 53117.)

This case was based on an interstate shipment of potatoes represented to be United States grade No. 1, but which were below the grade specified, having been found to average about 40 percent grade defects consisting mostly of deep scab, shattered and growth cracks.

On March 28, 1933, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Reedsburg Supply Co., a corporation, Reedsburg, Wis., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 3, 1932, from the State of Wisconsin into the State of Illinois, of a quantity of potatoes which were misbranded. The article was labeled in part: (Tag) "United States Grade No. 1."

It was alleged in the information that the article was misbranded in that the statement "United States Grade No. 1", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the potatoes were not United States Grade No. 1.

On December 6, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

22256. Misbranding of canned red kidney beans, asparagus, hominy, sugar corn, pumpkin, stringless green beans, and wax beans. U. S. v. Marshall Canning Co. Plea of guilty. Fine, \$300 and costs. (F. & D. no. 30216. Sample nos. 2164-A, 2171-A, 2174-A, 2175-A, 2226-A, 2234-A, 2376-A, 2387-A, 2388-A, 2398-A, 2399-A, 2400-A, 2413-A.)

This case was based on various interstate shipments of short-weight canned vegetables.

On September 30, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Marshall Canning Co., a corporation, Marshalltown, Iowa, alleging shipment by said company in violation of the Food and Drugs Act as amended, in various consignments between the dates of December 12, 1930 and June 28, 1932, from the States of Iowa, Montana, New Mexico, and Texas, into the State of Wyoming, of quantities of canned vegetables which were misbranded. The articles were labeled in part, variously: (Cans) "Uncle William Improved Red Kidney Beans for 'Fancy Green Asparagus' or 'Hominy'"] Marshall Canning Co., * * * Marshalltown, Iowa * * * Contents 1 Lb."; "Marshall Fancy Green Asparagus [or 'Hominy' or 'Sugar Corn'] Contents 1 Lb. Marshall Canning Co."; "Le Grande Brand Pumpkin Contents 1 Lb. Marshall Canning Co."; "El Rey Brand Hominy Packed for Gomez & Apodaca El Paso Texas"; "Le Grande Brand Cut Stringless Green Beans Contents 6 Lb. 12 Oz. Marshall Canning Co."; "Cameo Brand Fancy Wax Beans Contents 6 Lbs. 12 Oz. A Marshall Canning Co. Product."

It was alleged in the information that the articles were misbranded in that the statement, "Contents 1 Lb." with respect to certain of the products, and the statement, "Contents 6 Lb. 12 Oz." with respect to the remainder, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the cans contained less than 1 pound, or 6 pounds 12 ounces, as the case might be. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On December 9, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$300 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22257. Adulteration of butter. U. S. v. 2 Barrels of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31899. Sample no. 52325-A.)

This case involved an interstate shipment of butter which was found to contain rodent and cow hairs, insects and parts of insects, fragments of feathers, insect eggs, and other extraneous matter.

On January 5, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two barrels of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about December 19, 1933, by the City Produce Exchange, Inc., from Harrisonburg, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From City Produce Exchange, Inc. Harrisonburg, Va."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On February 14, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22258. Adulteration of butter. U. S. v. 4 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32632. Sample nos. 51951-A, 51952-A.)

This case involved a shipment of butter which was low in milk fat.

On December 21, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four tubs of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about December 15, 1933, from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On February 16, 1934, the Land O'Lakes Creameries, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22259. Adulteration of canned shrimp. U. S. v. 100 Cases and 300 Cases of Canned Shrimp. Decrees of condemnation and forfeiture. Portion of product released under bond. Remainder destroyed. (F. & D. nos. 31594, 31595. Sample nos. 37387-A, 37388-A.)

This case involved a shipment of canned shrimp which was found to be in part decomposed.

On November 16, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 400 cases of canned shrimp at Tacoma, Wash., alleging that the article had been shipped in interstate commerce, on or about September 19, 1933, by the Braun Canning Co., of Biloxi, Miss., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Ready Lunch Brand Shrimp * * * Packed by Gulf Foods, Inc., Biloxi, Miss." The remainder was labeled in part: "Bonnie Best Shrimp."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 6, 1934, the Kelley-Clarke Co., having appeared as claimant for 300 cases of the product covered by one libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that portions of the product covered by the said libel be released under bond in the sum of \$1,000, conditioned that they should not be disposed of contrary to the Federal Food and Drugs Act, and that the remainder be destroyed. On April 23, 1934, the remaining libel having come for hearing, the court, after consideration of the evidence, ordered the product condemned, forfeited, and destroyed. Costs of both proceedings were assessed against the Kelley-Clarke Co.

M. L. WILSON, *Acting Secretary of Agriculture.*

22260. Adulteration of evaporated apples. U. S. v. James R. Bever (The J. R. Bever Co.). Plea of guilty. Fine, \$10. (F. & D. no. 31391. Sample no. 6516-A.)

This case involved an interstate shipment of evaporated apples which were found to be in part insect-infested, decayed, moldy, or dirty.

On January 30, 1934, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James R. Bever, trading as the J. R. Bever Co., Gentry, Ark., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about November 17, 1932, from the State of Arkansas into the State of Missouri, of a quantity of evaporated apples which were adulterated. The article was labeled in part: "Choice Evaporated Apples Packed by The J. R. Bever Co., Gentry, Arkansas."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On February 20, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

22261. Misbranding of canned grapefruit juice. U. S. v. 100 Cases of Canned Grapefruit Juice. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 26928. I.S. no. 35915. S. no. 5116.)

This case involved a product labeled to convey the impression that it consisted of pure grapefruit juice, but which was found to contain added sugar. Sample cans taken from the shipment also were found short of the declared volume.

On August 31, 1931, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of canned grapefruit juice at Detroit, Mich., consigned about January 8, 1931, alleging that the article had been shipped in interstate commerce, by the Dillpako Packing & Canning Co., Inc., from Clearwater, Fla., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Dillpako Brand Pure Grapefruit Juice Slightly Sweetened Contents 1 Pint 4 Oz. [some cans, "1 Pound 4 Oz."] * * * The pure Juice of tree ripened fruit with no added preservatives or ingredients of any kind. Packed by Dillpako Packing & Canning Company, Inc., Clearwater, Fla." The words "Slightly Sweetened", inconspicuously displayed, did not correct the misleading impression created by the rest of the label.

It was alleged in the libel that the article was misbranded in that the statement on the can label, "The Pure Juice of Tree Ripened Fruit with No Added Preservatives or Ingredients of any kind", deceived and misled the purchaser when applied to an article containing sugar. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the cans contained less than the volume declared on the label.

On or about September 19, 1931, the Dillpako Packing & Canning Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned that it should not be disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

22262. Adulteration of canned shrimp. U. S. v. 495 Cases of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond. Unfit portion delivered to Fish Hatcheries for use as fish food. (F. & D. no. 31211. Sample nos. 31175-A, 31182-A, 49903-A.)

This case involved an interstate shipment of canned shrimp which was found to be in part decomposed.

On October 6, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 495 cases of canned shrimp at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about September 1, 1933, by the De Jean Packing Co., of Biloxi, Miss., from New Orleans, La., into the State of New York, arriving at Brooklyn on or about September 28, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "My-T-Good Brand Shrimp * * * Packed by De Jean Packing Co., Biloxi, Miss."

It was alleged in substance in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On January 23, 1934, the De Jean Packing Co., Inc., Biloxi, Miss., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that the good be separated from the bad and that only that portion found to be fit for human consumption be released outright. On April 17, 1934, the court ordered that the portions found unfit for human consumption be delivered to the Bureau of Fisheries for use as fish food.

M. L. WILSON, *Acting Secretary of Agriculture.*

22263. Adulteration of apple chops. U. S. v. 400 Sacks of Apple Chops. Default decree of condemnation and destruction. (F. & D. no. 31940. Sample no. 50517-A.)

This case involved a shipment of apple chops which were found to be insect-infested, decomposed, and dirty.

On February 5, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 sacks of apple chops at Terre Haute, Ind., alleging that the article had been shipped in inter-

state commerce on or about September 13, 1933, by the K. & H. Evaporating Co., from Martinsburg, W.Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in violation of section 7 of the Food and Drugs Act, paragraph 6, in the case of food, in that it was insect-infested and contained decomposed and dirty material.

On April 7, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22264. Adulteration of packing stock butter. U. S. v. 17 Barrels of Packing Stock Butter. Default decree of destruction. (F. & D. no. 31903. Sample no. 56475-A.)

This case involved a shipment of packing stock butter which was found to contain filthy substances, including mold growth, dirt, and other foreign material.

On January 11, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 barrels of packing stock butter at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about November 21, 1933, by the Ablon Produce Co., from Dallas, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy substance.

On April 23, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22265. Adulteration of evaporated apples. U. S. v. 170 Boxes of Evaporated Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31989. Sample no. 49104-A.)

This case involved a shipment of evaporated apples which were found to be insect-infested and dirty.

On or about February 16, 1934, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 170 boxes of evaporated apples at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about October 14, 1933, by the Gilbert Apple Products Co., from Rochester, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On April 5, 1934, the Gilbert Apple Products Co., Inc., Rochester, N.Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$1,040, conditioned that it should not be sold or disposed of in violation of the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

22266. Adulteration of canned sweetpotatoes. U. S. v. 30 Cases of Canned Sweetpotatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31962. Sample no. 58745-A.)

This case involved a shipment of canned sweetpotatoes which were found to be underprocessed, and in part decomposed.

On February 9, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of canned sweetpotatoes at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about October 30, 1933, by Pappas Bros. & Gillies Co., from Egg Harbor City, N.J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Pride of South Jersey Brand Sweet Potatoes * * * Packed by Pappas Bros. & Gillies Co., Egg Harbor City, N.J."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On April 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22267. Adulteration and misbranding of liquor-filled candies. U. S. v. 33 Boxes and 33 Boxes of Confections. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31952. Sample nos. 46130-A, 46131-A.)

This case involved an interstate shipment of two lots of confectionery that contained alcohol. In one lot the net weight was not declared on the package, and in the other the contents of the package were found to weigh less than the amount declared.

On February 9, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 boxes of confections at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 18, 1933, by W. Horwitz, from Bronx, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Containers) "Mlle. Modiste Confiseur Rue St. Honore Paris" or "Madamoiselle Modiste Confiseur Rue St. Honore", the individual pieces being labeled, "Mlle Modiste Benedictine [or "Apricot" or "Cognac" or "Rhum"] Confiseur Paris." One of the lots was further labeled, "Poids Net 500 Grammes Paris Londres."

It was alleged in the libel that the article was adulterated under the provisions of the law relating to confectionery in that it contained spirituous liquor.

Misbranding was alleged, under the provisions of the law relating to food, in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since one lot failed to bear a statement of the quantity of contents, and the statement made on the packages in the other lot was not correct. Misbranding was alleged with respect to one lot for the further reason that the statement on the label, "Poids Net 500 Grammes", was false and misleading and deceived and misled the purchaser.

On March 8, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22268. Adulteration of olives. U. S. v. 41 Dozen Jars of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31948. Sample no. 52214-A.)

Samples of olives taken from the shipment involved in this case were found to be approximately 11 percent wormy.

On February 6, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 dozen jars of olives at Jersey City, N.J., alleging that the article had been shipped in interstate commerce on or about December 29, 1933, by Mawer-Gulden-Annis, Inc., of New York, N.Y., from Brooklyn, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "La Sevillana Selected Spanish Queen Olives * * * Mawer-Gulden-Annis, Inc., New York."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On April 2, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22269. Adulteration and misbranding of fountain sirup chocolate. U. S. v. 10% Cases and 10½ Cases of Gumpert's Fountain Sirup Chocolate. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31951. Sample nos. 59652-A, 59653-A.)

This case involved quantities of alleged chocolate sirup which was found to consist of a mixture of sugar, water, and Dutch-process cocoa.

On February 15, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 21 cases of Gumpert's Fountain Syrup Chocolate at Chicago, Ill., alleging that the article had been shipped in interstate commerce by the S. Gumpert Co., Inc., in part from Brooklyn, N.Y., on or about November 24, 1933, and in part from Jersey City, N.J., on or about November 29, 1933, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "S. Gumpert Co., Inc. Bush Terminal Brooklyn, New York."

It was alleged in the libel that the article was adulterated in that a mixture of sugar, water, and Dutch-process cocoa had been substituted for chocolate fountain sirup; and for the further reason that the article had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the label, "Fountain Syrup Chocolate" and "The superior quality of this Chocolate Fountain Syrup is obtained from the use of only the finest chocolate liquor", were false and misleading and deceived and misled the purchaser, when applied to a mixture of sugar, water, and Dutch-process cocoa. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 6, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22270. Adulteration of concentrated apple juice. U. S. v. 104 Barrels of Concentrated Apple Juice. Decree of condemnation, with provision for release under bond. (F. & D. no. 29632. Sample no. 24246-A.)

This case involved an interstate shipment of concentrated apple juice that contained arsenic and lead in amounts that might have rendered it injurious to health.

On December 14, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 104 barrels of concentrated apple juice at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about November 30, 1932, by D. E. Wilcox, from Elffie, Idaho, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 20, 1933, E. M. Peterson, trading under the fictitious name "Fruit Juices, Inc.", Los Angeles, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product might be released to the claimant, upon payment of costs and the execution of a bond, conditioned that it should not be sold or disposed of in violation of the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

22271. Adulteration of apples. U. S. v. 27 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31772. Sample no. 56184-A.)

This case involved an interstate shipment of apples which were found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On November 10, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 bushels of apples at Rockford, Ill., alleging that the article had been shipped in interstate commerce on or about October 16, 1933, by U. Warren, from South Haven, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered it injurious to health.

On April 16, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22272. Misbranding of canned cherries. U. S. v. 398 Cases of Canned Cherries. Product released under bond to be relabeled. (F. & D. no. 32427. Sample no. 61573-A.)

This case involved a shipment of canned cherries in which the liquid portion was found to contain insufficient sugar to bring the article up to the standard established by this Department, and which was not labeled to indicate that it was substandard.

On March 31, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 398 cases of canned cherries at Sweetwater, Tex., alleging that the article had been shipped in interstate commerce, on or about August 9, 1933, by the Idaho Packing Co., from Coeur d'Alene, Idaho, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Coeur d'Alene Brand Red Sour Pitted Cherries * * * Packed by Callahan Canning Co. Coeur d'Alene, Idaho."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the liquid portion read below 16° Brix, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On April 23, 1934, the H. O. Wooten Grocer Co., Abilene, Tex., having appeared as claimant for the property and having admitted the material allegations of the libel, judgment was entered ordering that the product be released to the claimant under bond in the sum of \$600, conditioned that it be relabeled to meet the requirements of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22273. Adulteration of apples. U. S. v. Cecil C. Helton. Plea of guilty. Fine, \$1. (F. & D. no. 32107. Sample no. 3810-A.)

This case was based on an interstate shipment of apples which bore arsenic and lead in amounts which might have rendered them injurious to health.

On April 14, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Cecil C. Helton, Danville, Ind., alleging that the defendant had transported by means of his own truck, driven by John W. Montgomery, an agent and employee, from Fennville, Mich., into the State of Indiana, a quantity of apples which were adulterated in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On April 28, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$1.

M. L. WILSON, *Acting Secretary of Agriculture.*

22274. Adulteration of salt herring. U. S. v. 1,776 Kits, et al., of Salt Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 27094. I.S. nos. 21219, 21220, 21221. S. no. 5335.)

This case involved an interstate shipment of salt herring which was found to be decomposed and putrid.

On October 20, 1931, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,776 6-pound kits, ten 40-pound tubs, and fifty-two 100-pound kegs of salt herring at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about September 5, 1931, by the Bayfield Fish Co., from Bayfield, Wis., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On November 21, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22275. Misbranding of noodles. U. S. v. 150 Cases of Noodles. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32034. Sample no. 66579-A.)

Sample cans of noodles taken from the shipment in this case were found to contain less than 5 ounces, the weight declared on the label.

On February 27, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 cases of noodles at Denver, Colo., consigned by the La Choy Food Products Inc., Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about January 11, 1934, from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contents 5 oz. La Choy Chow Mein Noodles La Choy Food Products, Inc. Detroit, Mich."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 5 Oz.," was false and misleading and deceived and misled the purchaser; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 3, 1934, the La Choy Food Products, Inc. having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$958.08, conditioned that it be repacked or relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22276. Misbranding of canned peas. U. S. v. 250 Cases of Canned Peas. Product adjudged misbranded. Released under bond to be relabeled. (F. & D. no. 30377. Sample no. 30433-A.)

This case involved a shipment of canned peas which fell below the standard of fill of container established by the Secretary of Agriculture, and which were not labeled to show that they were slack filled.

On May 1, 1933, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 cases of canned peas at Harrisonburg, Va., alleging that the article had been shipped in interstate commerce on or about October 17, 1932, by the Phillips Packing Co., Inc., from Cambridge, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Olympia Early June Peas * * * Packed by Phillips Packing Co., Inc., Cambridge, Md."

It was alleged in the libel that the article was misbranded in that it was canned food, and fell below the standard of fill of container promulgated by the Secretary of Agriculture, in that it was slack-filled because of excessive added liquid, and the package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On April 21, 1934, the Phillips Packing Co., Inc., claimant, having admitted the allegations of the libel, and having consented that judgment be entered for the forfeiture of the property, a decree was entered finding that the product was misbranded, and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$750, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22277. Adulteration of butter. U. S. v. 40 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32007. Sample no. 61948-A.)

Samples of butter taken from the shipment involved in this case were found to contain fragments of fly bodies, wings, bristles, vegetable and nondescript debris, small splinters, fragments of hen feathers, rodent hairs, coal, sand, and a maggot.

On February 20, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cases of butter at Arabi, La., alleging that the article had been shipped in interstate commerce on or about February 3, 1934, by the Cloverleaf Butter Co., from Birmingham, Ala., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Cloverleaf Brand Process Butter."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal and vegetable substance.

On April 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22278. Adulteration of confectionery. U. S. v. 37 Boxes of Confectionery. Default decree of condemnation. Product destroyed. (F. & D. no. 32011. Sample no. 50544-A.)

This case involved an interstate shipment of confectionery which contained alcohol.

On February 20, 1934, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 boxes of confectionery at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about January 25, 1934, by H. L. Caplan & Co., Inc., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated under the provisions of the law relating to confectionery, in that it contained spirituous liquor.

On April 21, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated and subject to condemnation, and it was ordered by the court that it be disposed of under such terms and conditions as were not in violation of the Food and Drugs Act. The product was destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22279. Adulteration of canned salmon. U. S. v. 1,000 Cases of Canned Salmon. Product released under bond. (F. & D. no. 27584. I.S. no. 21100. S. no. 5616.)

This case involved a shipment of canned salmon which was found to be in part decomposed.

On December 23, 1931, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,000 cases of canned salmon, at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 25, 1931, by Libby, McNeill & Libby, from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Happy-Vale Brand Pink Salmon * * * Packed for Emery Food Co. Chicago, U. S. A. Packed in Alaska."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On January 22, 1932, the Emery Food Co. having appeared as claimant and having filed an answer admitting that a portion of the product was adulterated, a decree was entered ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be disposed of in violation of the Food and Drugs Act and all other laws. On April 16, 1934, the court having found that the product had been examined and that 246 cases had been segregated as containing decomposed salmon, it was ordered that the claimant might ship the said 246 cases to Seattle, Wash., for further examination and segregation under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22280. Adulteration of tomato puree. U. S. v. 3,450 Cans of Tomato puree. Default decree of condemnation and destruction. (F. & D. no. 31839. Sample no. 50493-A.)

This case involved a shipment of tomato puree which was found to contain decomposed material.

On January 16, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture filed in the district court a libel praying seizure and condemnation of 3,450 cans of tomato puree at Terre Haute, Ind., alleging that the article had been shipped on or about January 5, 1934, by the Macke Packing Co., from Wapakoneta, Ohio, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On April 2, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22281. Adulteration of sardines. U. S. v. 84 Cartons of Canned Sardines. Consent decree of condemnation and destruction. (F. & D. no. 31840. Sample no. 61678-A.)

This case involved a shipment of canned sardines which were in part decomposed.

On January 16, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 84 cartons of canned sardines at Pittsburgh, Pa., alleging that the article had been shipped by the California Packing Corporation, from San Francisco, Calif., on or about November 15, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Argo California Sardines * * * California Packing Corporation, San Francisco, California."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On April 4, 1934, the sole intervener, the California Packing Corporation, having requested that the case be allowed to go by default, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22282. Adulteration and misbranding of olives. U. S. v. 419 Cases of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31846. Sample no. 65301-A.)

This case involved a shipment of olives which were found to be in part wormy. Examination also showed that the drained weight of the olives was less than 8 ounces, the weight declared on the label.

On January 19, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 419 cases of olives at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 24, 1933, by John Magee & Co., Inc., from Saybrook, Conn., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Selected Olives Packed by John Magee and Co., Inc., Eight Fl. Oz. New York."

It was alleged in the libel that the article was adulterated in that excessive brine had been substituted in part for the article, and in that it consisted in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the statement, "Eight Fl. Oz.", borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On April 17, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22283. Misbranding of canned peaches. U. S. v. 19 Cases of Canned Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31867. Sample no. 60523-A.)

This case involved a shipment of canned peaches which were below the standard established by this Department, and which were not labeled to show that they were substandard.

On January 20, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of canned peaches at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about December 28, 1933, by Hunt Bros. Packing Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Premio Brand Yellow Cling Peaches, Packed by Hunt Brothers Packing Company, San Francisco, Calif."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of low Brix reading, the presence of soft and ragged fruit, excessively trimmed pieces, poorly peeled and blemished pieces, and because size and color were not uniform; and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On April 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22284. Adulteration and misbranding of confectionery. U. S. v. 204 Boxes of Confectionery. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32033. Sample nos. 65334-A to 65339-A, incl.)

This case involved a shipment of confectionery which contained alcohol. The article was labeled "Not a Confection", in attempted disclaimer of responsibility for shipping confectionery containing spirituous liquor.

On February 27, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 204 boxes of confectionery at Forest Park, Ill., alleging that the article had been shipped in interstate commerce, on or about February 12, 1934, by M. Ellingsen, from Cleveland, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Bourbon Cordials (not a confection) * * * A drink in a Chocolate Cup."

It was alleged in the libel that the article was adulterated under the provisions of the law relating to confectionery, in that it contained spirituous liquor.

Misbranding was alleged under the provisions of the law relating to food, in that the statement on the label, "Cordials (not a confection)", was false and misleading and tending to deceive and mislead the purchaser.

On April 6, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22285. Adulteration and misbranding of canned cherries. U. S. v. 50 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32044. Sample no. 60427-A.)

This case involved a shipment of canned cherries which were found to contain worms and excessive pits.

On March 2, 1934, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned cherries at Tampa, Fla., alleging that the article had been shipped in interstate commerce, on or about February 3, 1934, by Reid, Murdoch & Co., from Salem, Oreg., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Red Lily Water Pack Red Pitted Cherries * * * Reid, Murdoch & Co. Chicago, Ill."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of an excessive number of pits, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On April 27, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22286. Adulteration of butter. U. S. v. Bernard Augustine (Rock County Creamery). Plea of guilty. Fine, \$1. (F. & D. no. 29428. Sample no. 4671-A.)

This case was based on an interstate shipment of butter which contained less than 80 percent by weight of milk fat.

On April 3, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bernard Augustine, trading as the Rock County Creamery, Bassett, Nebr., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about August 14, 1932, from the State of Nebraska into the State of Illinois, of a quantity of butter which was adulterated.

It was alleged in the libel that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On April 26, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$1.

M. L. WILSON, *Acting Secretary of Agriculture.*

22287. Adulteration and misbranding of dried buttermilk feed. U. S. v. William G. Slugg. Plea of guilty. Fine, \$40. (F. & D. no. 29500. I.S. nos. 18569, 18570. Sample nos. 17781-A, 17782-A.)

This case was based on shipments of alleged dried buttermilk feed. Analyses showed that powdered skim milk had been substituted for dried buttermilk and that the article contained less fat than declared on the label.

On May 20, 1933, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William C. Slugg, trading as Deerfield, Wis., alleging shipment by said defendant, on or about December 26, 1931, February 26, June 14, and June 20, 1932, from the State of Wisconsin into the State of Maryland, of quantities of dried buttermilk feed which was adulterated and misbranded. The article was labeled in part: (Tags) "Slugg's Pure Dried Buttermilk Feed Manufactured by W. G. Slugg, Milwaukee, Wis. * * * Guaranteed Analysis * * * Crude Fat Not Less Than 6%."

It was alleged in the information that the article was adulterated in that a substance, powdered skim milk, had been mixed and packed therewith, so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding was alleged for the reason that the statements, "Pure Dried Buttermilk," and "Crude Fat Not Less than 6%", borne on the tags, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the article was not pure dried buttermilk, but was a product consisting largely of powdered skim milk, and the fat content was less than 6 percent.

On December 5, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$40.

M. L. WILSON, *Acting Secretary of Agriculture.*

22288. Adulteration and misbranding of confectionery. U. S. v. 159 Boxes of Confectionery, labeled as "Cordials." Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32020. Sample no. 60443-A.)

This case involved a shipment of confectionery that contained alcohol. The article was labeled "Not a Confection" in an attempted disclaimer of responsibility for shipment of confectionery containing spirituous liquor.

On February 21, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 159 boxes of confectionery at Eugene, Oreg., alleging that the article had been shipped in interstate commerce on or about January 27, 1934, by the Universal Carloading & Distributing Co., for the Berkshire Co., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was invoiced as "Kiklets", and was labeled in part: "Cordials Cordial (Not a Confection)."

It was alleged in the libel that the article was adulterated, under the provisions of the law relating to confectionery, in that it contained alcoholic sirup.

Misbranding was alleged, under the provisions of the law relating to food, in that the statement on the label, "Cordial (not a confection)", was false and misleading and tended to deceive and mislead the purchaser.

On April 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22289. Misbranding of canned orange juice. U. S. v. 8½ Cases of Canned Orange Juice. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30512. Sample no. 30448-A.)

Sample cans of orange juice taken from the shipment in this case were found to contain less than 8 ounces, the labeled volume.

On May 28, 1933, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8½ cases of canned orange juice at Lynchburg, Va., alleging that the article had been shipped in interstate commerce on or about August 30, 1932, by the Orange County Cannery, Inc., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Vita Vac Brand Natural California Orange Juice contents 8 fl. ozs. * * * Orange County Cannery, Inc., Fullerton, California."

It was alleged in the libel that the article was misbranded in that the statement "Contents Eight Fl. Ozs.", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On December 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22290. Adulteration of butter. U. S. v. Theodore L. Hoef (Monroe City Creamery). Plea of guilty. Fine, \$50. (F. & D. no. 30257. Sample no. 4170-A.)

This case was based on an interstate shipment of butter which contained less than 80 percent by weight of milk fat.

On October 13, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Theodore L. Hoef, trading as the Monroe City Creamery, Monroe City, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 19, 1932, from the State of Missouri into the State of Illinois, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined and required by the act of Congress of March 4, 1923, which the article purported to be.

On December 4, 1933, the defendant entered a plea of guilty, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22291. Adulteration of canned shrimp. U. S. v. 400 Cases, et al., of Canned Shrimp. Decrees of condemnation and forfeiture. Portion of product destroyed. Remainder released under bond. (F. & D. nos. 31829, 31876. Sample nos. 60519-A, 60520-A, 60535-A.)

These cases involved shipments of canned shrimp which was found to be in part decomposed.

On January 10 and January 24, 1934, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 525 cases of canned shrimp at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 27, 1933, by the Dixie Fisheries, Inc., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled, "Mount

Baker Shrimp Kulshan Brand"; the remainder was labeled, "Sea Queen Brand Shrimp."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

The Dixie Fisheries, Inc., entered an appearance in one case involving 500 cases of the product, admitted the allegations of the said libel, and consented to the entry of a decree. On April 9, 1934, judgment of condemnation and forfeiture was entered in the said case, and it was ordered by the court that the product involved be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that the decomposed portions be separated and destroyed. On the same date, no claim having been entered in the remaining case, judgment of condemnation and destruction was entered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22292. Adulteration of canned shrimp. U. S. v. 1,700 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond for separation and destruction of unfit portion. (F. & D. no. 31663. Sample no. 51749-A.)

This case involved a shipment of canned shrimp which was found to be in part decomposed.

On December 5, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,700 cases of canned shrimp at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about October 27, 1933, by the Southern Shell Fish Co., Inc., from Harvey, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Palm Brand Shrimp * * * Packed by Southern Shell Fish Co., Inc., Harvey, La."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On April 16, 1934, the Southern Shell Fish Co., Inc., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that the decomposed portion be segregated and destroyed or denatured.

M. L. WILSON, *Acting Secretary of Agriculture.*

22293. Misbranding of Cream O'Cotton. U. S. v. 24 Cases, et al., of Cream O'Cotton. Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 31708, 31709, 32053. Sample nos. 57881-A, 63651-A, 69053-A.)

Sample cans of shortening taken from the shipments involved in these cases were found to contain less than 4 pounds, the declared weight.

On December 12, 1933, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 cases of Cream O'Cotton at Morrilton, Ark. On December 16, 1933, and February 28, 1934, the United States attorneys for the Western District of Arkansas, and the Western District of Oklahoma, filed libels against 24 cases and 178 cases of the product at Potter, Ark., and Frederick, Okla., respectively. It was alleged in the libels that the article had been shipped in interstate commerce, by the Texas Refining Co., from Greenville, Tex., in various shipments between the dates of September 25 and November 10, 1933, and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Cream O'Cotton * * * Shortening * * * Net Wt. 4 Lbs. Manufactured and Guaranteed by Texas Refining Co., Greenville, Texas."

The libels charged that the article was misbranded in that the statement on the label, "Net Wt. 4 Lbs.," was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On January 10, January 12, and March 8, 1934, the Texas Refining Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered by the court that the product be released to the claimant upon the

execution of bonds totaling \$250, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22294. Adulteration of candy. U. S. v. 23 Boxes, et al., of Candy. Default decrees of destruction. (F. & D. nos. 31966, 31967, 31968. Sample nos. 51646-A, 51647-A, 51648-A.)

These cases involved interstate shipments of candy which contained concealed coins.

On February 9, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 86 boxes of candy, in part at Paterson, N.J., and in part at Jersey City, N.J., alleging that the article had been shipped in interstate commerce on or about January 19, 22, and 25, 1934, by the Josephson Candy Co., Inc., from Long Island City, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "120 Count [or "Ct."] Pocketbook."

It was alleged in the libels that the article was adulterated under the provisions of the law relating to confectionery, in that it contained an ingredient deleterious or detrimental to health, namely, a copper cent.

Adulteration was alleged under the provisions of the law relating to food in that the article contained an added deleterious ingredient which might have rendered it injurious to health.

On April 2, 1934, no claimant having appeared for the property, judgments were entered ordering that the United States money be removed and turned over to the United States Treasury, and that the candy be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22295. Misbranding of salad oil. U. S. v. 25 Cans of Salad Oil. Default decree of condemnation. Product distributed to charitable institutions. (F. & D. no. 31939. Sample no. 43072-A.)

This case involved a shipment of a product consisting largely of domestic cottonseed oil, which was labeled to convey the impression that it was olive oil of foreign origin.

On or about February 7, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cans of salad oil at East Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about November 2, 1933, by Pietro Esposito & Bro., Inc., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Side panel of can) "La Gloriosa Packing Co., P. E. & B. Inc. N. Y."

It was alleged in the libel that the article was misbranded in that the statements, "La Gloriosa Brand", "Prize Awarded at Exhibition of Rome 1924", "Italy", and "Olio Finisimo", together with the designs of a crown, olive branches, and medal carrying the Italian national colors, borne on the label, and the prominence given to the words "Lucca Olive Oil" in the statement on the label, "Pure and Delicious Oil Composed of Eighty Five Percent Choice Salad Oil, and Fifteen Percent Lucca Olive Oil", were misleading, and deceived and misled the purchaser, since they created the impression that the article was Italian olive oil, whereas it consisted largely of domestic cottonseed oil.

On April 26, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be distributed to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

22296. Misbranding of diced mixed peel with cherries, diced citron peel, and diced orange peel. U. S. v. 10 Cases and 6 Cases of Diced Mixed Peel with Cherries, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31747, 31748, 31749. Sample nos. 55195-A, 55196-A, 55198-A.)

These cases involved food products which were short weight. Examination further showed that the diced citron peel contained an undeclared coal-tar dye.

On December 22, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 16 cases of diced mixed peel with cherries, 5 cases of diced citron peel, and 4½ cases of diced

orange peel at Seattle, Wash., alleging that the articles had been shipped in interstate commerce, in part on October 21, 1933, and in part on November 9, 1933, by Sussman-Wormser & Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Palmdale Brand Diced Mixed Peel with Cherries [or "Diced Peel Citron" or "Diced Peel Orange"] Net Weight 4 Oz. Packed by the Rubyette Company, San Francisco, Calif."

It was alleged in the libels that the articles were misbranded in that the statement on the labels, "Net Weight 4 Oz.", was false and misleading and deceived and misled the purchaser, and in that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect. Misbranding of the diced citron peel was alleged for the further reason that the statement on the label, "Diced Peel Citron", was false and misleading and deceived and misled the purchaser, since it consisted of diced citron peel and artificial color and the label did not bear a declaration of the added color.

On April 9, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22297. Adulteration and misbranding of salad oil. U. S. v. Thirty 1-Gallon Cans of Alleged Olive Oil, et al. Default decrees of condemnation. Portion of product delivered to charitable institutions; remainder destroyed. (F. & D. nos. 30072, 30654. Sample nos. 31980-A, 31981-A, 39760-A, 39761-A, 39762-A.)

These cases involved a product which consisted principally of domestic cottonseed oil, which was labeled to convey the impression that it was olive oil of foreign origin. Certain of the lots were found to be short volume.

On April 11, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 gallon cans and 13 half-gallon cans of alleged olive oil at New Haven, Conn. On June 21, 1933, a libel was filed against 66 gallon cans, 47 half-gallon cans, and 45 quart cans of the same product at Providence, R.I. It was alleged in the libels that the article had been shipped in interstate commerce into the States of Rhode Island and Connecticut by Vincent Buonocore, Inc., from New York, N.Y., on or about February 20, 1933, and March 17, 1933, and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

The libels charged that the article was adulterated in that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and for the further reason that the statements on the label, "The contents of Olive Oil in this can is imported from Italy", "Superfine Oil Imperio", and the statement emphasized on the side panel "Virgin Olive Oil", were false and misleading and deceived and misled the purchaser, since they created the impression that the article was pure olive oil; whereas it consisted chiefly of domestic cottonseed oil; and for the further reason that the article purported to be a foreign product when not so. Misbranding was alleged with respect to the quart size and a portion of the half-gallon size for the further reason that the statements, "Half Gallon Net", and "Quart Gallon", borne on the labels, were false and misleading and deceived and misled the purchaser, since the cans contained less than the quantity stated; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

No claimant appeared for the property. On July 12, 1933, judgment of condemnation was entered in the case instituted in the District of Rhode Island and the court ordered that the product be destroyed. On August 6, 1934, judgment of condemnation was entered in the remaining case and the court ordered that the product be distributed to charitable institutions and the containers destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22298. Adulteration of butter. U. S. v. Mid-Western Dairy Products Co. (Escalante Ice Cream Co.). Plea of guilty. Fine, \$25. (F. & D. no. 30229. Sample no. 24286-A.)

This case was based on an interstate shipment of butter which contained less than 80 percent of milk fat.

On September 16, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mid-Western Dairy Products Co., a corporation trading at Salt Lake City, Utah, as the Escalante Ice Cream Co., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 15, 1932, from the State of Utah into the State of California, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On September 30, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22299. Adulteration of butter. U. S. v. Winthrop Cooperative Creamery Association. Plea of guilty. Fine, \$25. (F. & D. no. 30272. Sample no. 31539-A.)

This case was based on an interstate shipment of butter which contained less than 80 percent of milk fat.

On January 16, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Winthrop Cooperative Creamery Association, a corporation, Winthrop, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 2, 1933, from the State of Minnesota into the State of New York, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined and required by the act of Congress of March 4, 1923, which the article purported to be.

On January 16, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22300. Misbranding of canned peas. U. S. v. 200 Cases, et al., of Canned Peas. Decrees of condemnation and forfeiture. Product re-labeled to be relabeled. (F. & D. nos. 31994, 32239, 32241, 32266, 32280, 32281, 32282. Sample nos. 39328-A, 39329-A, 39335-A, 39417-A.)

These cases involved interstate shipments of canned peas which fell below the standard established by the Secretary of Agriculture, and which were not labeled to show that they were substandard.

On February 17, March 6, March 10, and March 13, 1934, the United States attorneys for the Western District of North Carolina and the Eastern District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,128 cases of canned peas, in various lots at Charlotte, N. C., Lincolnton, N. C., and Columbia, S. C., alleging that the article had been shipped in part by Chas. G. Summers, Jr., Inc., from New Freedom, Pa., and in part by the Southgate Brokerage Co., from Norfolk, Va., between the dates of January 11 and February 16, 1934, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Legion Brand Early June Peas * * * Distributed by [or "Packed For"] Chas. G. Summers, Jr., Inc., New Freedom, Pa."

It was alleged in the libels that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of an excessive number of ruptured peas, an excessive number of hard peas, and excessive cloudiness of liquor, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On March 23, 1934, Charles G. Summers, Jr., Inc., having entered an appearance as claimant for the lots seized in the Western District of North Carolina, and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the said lots be released to the claimant upon the execution of a good and sufficient bond, conditioned that they be relabeled under the supervision of this Department. On April 25, 1934, default decrees theretofore entered against the lots seized in the Eastern District of South Carolina were set aside upon petition and claim of Charles G. Summers, Jr., Inc., and upon proof that they had been properly relabeled, the court ordered that they be delivered to the claimant.

M. L. WILSON, Acting Secretary of Agriculture.

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